

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74278 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- GAMAHARIYA District- Madhepura

Shib Kumar Mukhiya @ Shiv Kumar Mukhya S/O Shaini Mukhiya @ Saini Mukhiya Resident village- Belhi (Balhi), Jiwachhpur, Ward no.10, P.S.- Gamhariya, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 06-02-2025 Heard learned Counsel for the petitioner as well as learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Gamhariya P.S. Case No. 166 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 354(A), 504 and 34 of the Indian Penal Code.

3. As per allegation, while the informant was sitting at his door, the accused persons variously armed came there and started abusing him. On protest, the accused persons assaulted him with *lathi* causing fracture injury on the elbow of his right hand. When the informant's brother and mother came to rescue, the informant they were also assaulted. In the occurrence, the accused persons tried to outrage the modesty of informant's mother.

4. Learned Counsel for the petitioner submits that he



is innocent and has falsely been implicated in this case. He is a person of clean antecedent and the petitioner is in custody since 20.07.2024.

5. On the other hand, the learned Additional Public Prosecutor for the State opposed the prayer for bail while submitting that the injury suffered by the brother of the informant is grievous in nature.

6. Considering the above-mentioned facts and circumstances especially the clean antecedent of the petitioner and period of custody which is more than six months, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned J.M., 1st, Madhepura in connection with Gamhariya P.S. Case No. 166 of 2023, subject to the following condition that the petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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