

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74914 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Saroj Mukhiya @ Seraj Mukhiya @ Saroj Kumar Son of Sikindra Mukhiya Resident of village -Pipra Tola Lakshmipur, P.S.- Kusheshwar Asthan, Dist- Darbhanga
 2. Rambali Mukhiya Son of Pabitar Mukhiya @ Pavitar Mukhiya Resident of village -Pipra Tola Lakshmipur, P.S.- Kusheshwar Asthan, Dist- Darbhanga
 3. Bharat Mukhiya Son of Pavitar Mukhiya Resident of village -Pipra Tola Lakshmipur, P.S.- Kusheshwar Asthan, Dist- Darbhanga
 4. Virendra Mukhiya @ Virendra Kumar Mukhiya Son of Rambali Mukhiya Resident of village -Pipra Tola Lakshmipur, P.S.- Kusheshwar Asthan, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2025 Heard Mr. Baidyanath Prasad, learned counsel for the petitioners and Mr. Akshay Lal Pandit, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kusheshwar Asthan P.S. Case No. 63 of 2024, F.I.R. dated 18.03.2024 for the offences punishable under Sections 147, 148, 149, 341, 324, 325, 307, 354, 379, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have brutally assaulted the informant and his family members over a petty land issue.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties. Although the petitioners are named in the F.I.R but it appears from the F.I.R that there is no specific allegation of assault against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is case and counter case between the parties and there is no specific allegation against these petitioners, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Biraul, Darbhanga in connection with Kusheshwar Asthan P.S.



Case No. 63 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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