

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90316 of 2024

Arising Out of PS. Case No.-149 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Dinanath Mukhiya S/o- Lorik Mukhiya Village- Hasuaha PS-Muffasil, Dist- East Champaran
 2. Dahadi Mukhiya S/o- Lorik Mukhiya Village- Hasuaha PS-Muffasil, Dist- East Champaran
 3. Sonalal Mukhiya @ Sonalal Kumar S/o- Jailal Mukhiya Village- Hasuaha PS-Muffasil, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Alka Singh, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, aPP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-01-2025 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Muffasil PS case no. 149 of 2020, disclosing offences punishable under Section 307 and other allied sections of the Indian Penal Code, Section 27 of Arms Act, Section 3 of Epidemic Act and Section 51 of Disaster Management Act.
3. The prosecution story, as per the First Information Report, is that on 03.04.2020 at about 4.30 pm, while the informant's son was sitting on a bridge, petitioner along with other accused persons, total 09 in number, arrived there and on



account of previous enmity, surrounded him. Petitioner no. 1 and accused Amerika Mukhiya assaulted the son of the informant with sword on his head, due to which, he sustained cut injury on his head.

4. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in this case due to previous dispute, which would be evident from F.I.R. itself. There is no specific allegation against petitioners no. 2 and 3 and the allegation of assault by sword is upon petitioner no. 1 and co-accused Amerika Mukhia. He also submits that the learned Sessions Judge has taken note of the two injury reports but has not mentioned that injury caused to the informant's son is grievous in nature.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there appears to be long-standing dispute between the parties, there is no specific allegation of assault against petitioners no. 2 and 3 and the injury sustained by informant's son has not been described as grievous in the impugned order, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their



arrest or surrender before the Court below within six weeks, 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 learned Additional Sessions Judge-19, East Champaran at Motihari in connection with Muffasil PS case no. 149 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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