

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32201 of 2023**

Arising Out of PS. Case No.-200 Year-2022 Thana- BIHRA District- Saharsa

RAKESH @ RAKESH MUKHIYA @ ARYAN @ RAKESH KUMAR  
MUKHIYA Son of Pulkit Mukhia Resident of village - Purikh, P.S.- Bihra,  
District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Madhav Jha

For the Opposite Party/s : Mr.Sunil Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      24-06-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 27 of Arms Act.

As per prosecution case, when the informant's son namely, Aman Sagar was returning to his house, meanwhile, the accused persons including the petitioner surrounded him. Thereafter, it is said that this petitioner gave his pistol to co-accused Amarjeet Mukhiya who fired upon the informant's son due to which he sustained injury.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Both the parties are next door neighbour and a land dispute is going on



between them as a result of which the petitioner has falsely been implicated in this case. As per FIR, no specific allegation of firing has been made against the petitioner. It is further submitted that injury report does not in-consonance with the prosecution wherein doctor opined that the cause of injury is caused by hard and blunt substance whereas the allegation has been made that co-accused fired upon his son. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 31.10.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bihra P.S. Case No. 200 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VII, Saharsa.

**(Sunil Kumar Panwar, J)**

Amandeep/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

