

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75952 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- BIHRA District- Saharsa

Rajesh Kumar Mukhiya @ Rajesh Mukhiya @ Rajesh Mukhiay S/o Late
Manoj Mukhiya R/o vill - Purikh, P.S. - Bihra, Distt .- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bihra P.S. Case No. 80 of 2024 instituted for the offences under Sections 341, 323, 324, 325, 307, 379, 384, 504, 506, 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he gave knife blow in the abdomen of Santosh Kumar Mukhiya with intention to kill him due to which he sustained injuries.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. Learned counsel further submitted that there is land dispute



between the parties. Learned counsel also submitted that there is allegation of giving knife blow to Santosh Kumar Mukhiya but there is no allegation of repeated blow of knife as the petitioner had no intention to kill him. There is case and counter-case between the parties. It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further submitted that there is specific allegation against the petitioner of giving knife blow in the abdomen of the Santosh Kumar Mukhiya.

6. Considering the aforesaid facts and circumstances of the case and there being specific allegation of giving knife blow, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for grant of bail is rejected.

7. However, liberty is granted to the petitioner to surrender before the learned court below and seek regular bail.

(Rudra Prakash Mishra, J)

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