

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4326 of 2025

Arising Out of PS. Case No.-239 Year-2024 Thana- BANJARIA District- East Champaran

Laxman Mukhia, S/o Late Dashrath Mukhiya, R/o village - Chailaha Bintoli,
P.S.- Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Banjariya P.S. Case No. 239 of 2024, registered for the offences under Sections 191(2), 190, 115(2), 126(2), 109, 76 and 352 of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, petitioner and other co-accused persons assaulted the informant and his family members causing injuries to them. The altercation took place in the background of the petitioner and co-accused asking the informant to transport the liquor of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in this case and no occurrence as alleged has ever taken place. The



only allegation against the petitioner is that of assaulting the informant with *farsa* on the head but a lacerated injury has been found on the right temporal region of the informant of size 4 cm x 1 cm x 1 cm, which falsifies the allegation of assault by *farsa*. The injuries of other injured persons are simple in nature and all caused by hard and blunt substance. Learned counsel further submits that petitioner is accused in altogether 06 cases but all these cases are under Excise Act and in all the cases the petitioner is on bail. The petitioner is in custody since 05.10.2024 and charge sheet has been submitted against the petitioner.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the non-corroborative nature of injury, submission of charge sheet against the petitioner and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari East Champaran/concerned court, in connection with Banjariya P.S. Case No. 239 of 2024, subject to the condition laid down under Section 437(3) of the code of



Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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