

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10719 of 2025

Arising Out of PS. Case No.-201 Year-2024 Thana- BIHRA District- Saharsa

Mukesh Kumar @ Mukesh Kumar Mukhiya, Male, aged about 23 years, Son of Ajay Mukhiya, Resident of Village - Purana Durga Sthan Gauriyari Tola, Ward No. 13, P.S.- Supaul, District- Supaul.

... .. 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. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

5 14-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bihra P.S. Case No. 201 of 2024 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022 under Sections 109, 115(2), 191(2), 191(3), 190, 118(1), 118(2), 126(2), 352, 351(2) and 351(3) of the B.N.S.S.

3. As per the allegation in the FIR, petitioner stabbed knife in the chest of the informant's husband (Anil Mukhiya) with an intention to killing him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to dirty village politics.



He submits that no offence is made out against the petitioner in fact there is dispute between the parties. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 17.10.2024.

5. Learned APP for the State opposes the prayer for bail and submits that the allegation against the petitioner is very serious in nature.

6. From perusal of the case diary, injury report, FIR and also perused the impugned order dated 12.12.2024 passed by the learned Exclusive Special (Excise) Judge-II, Saharsa, it appears that on the basis of written report of the informant Rekha Devi, FIR has been lodged under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022 under Sections 109, 115(2), 191(2), 191(3), 190, 118(1), 118(2), 126(2), 352, 351(2) and 351(3) of the B.N.S.S against six accused persons including the present petitioner. It also appears that the allegation against this petitioner is specific that petitioner stabbed knife in the chest of the informant's husband (Anil Mukhiya) with an intention to killing him by knife and caused chest injury. The witnesses in para 32 and 33 of the case diary have supported the case of the informant. As per injury report there is stitched wound on right chest and stitched wound over left ring and little



finger and the nature of injury is grievous in nature.
Investigation against the petitioner is still going on.

7. Considering the aforesaid facts and circumstances there is direct and specific allegation against the petitioner to stabbed knife in the chest of informant’s husband and the nature of injury is grievous in nature, so I am not inclined to grant bail to the petitioner at this stage.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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