

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21076 of 2025

Arising Out of PS. Case No.-316 Year-2021 Thana- ALOULI District- Khagaria

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Anil Mukhiya S/o Late Baua Mukhiya R/o Vill.- Bahadurpur, P.S. - Allouli,
Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 23-04-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Allouli Police Station Case No. 316 of 2021, dated 26.08.2021, disclosing offences punishable under Sections 147/148/149/321/325/307/379/504/506 of the Indian Penal Code and Section 27 of the Arms Act.
3. The prosecution case, as per the First Information Report, is that on 23.08.2021, in the evening at about 8 PM, the informant, along with one another person, was returning home and no sooner than they reached near the house of Binod Mukhiya, the petitioner, along with other FIR-named accused persons and 12-17 unknown miscreants surrounded them and started assaulting them by lathi, danda, iron rod and butt of the rifle, due to which Ram



Kumar Mukhiya sustained injuries. Co-accused Navin Mukhiya assaulted Ram Kumar Mukhiya on his head by means of iron rod, due to which he sustained injury and when the younger brother of the informant, namely, Raj Kumar Mukhiya came to save them, co-accused Sunil Kumar fired upon Raj Kumar Mukhiya with pistol, due to which he sustained gun-shot injury in his stomach. The accused persons entered into the house of the informant and looted ornaments and cash Rs. 30,000-40,000.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to previous dispute. There is no specific allegation against the petitioner and the specific allegation of firing is upon co-accused Sunil Kumar and Navin Kumar. Co-accused Sunil Kumar has been granted regular bail by this Court and co-accused Navin Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court, vide order, dated 16.01.2024, passed in Criminal Misc. No. 85441 of 2023. Other co-accused persons, namely, Balbir Kumar (vide order, dated 08.05.2023, passed in Criminal Misc. No. 2215 of 2023) and Jaswir Mukhiya (vide order, dated 05.09.2023, passed in Criminal Misc.



No. 58076 of 2023) have been granted anticipatory bail by a co-ordinate Bench of this Court. The petitioner is having no criminal antecedent.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that similarly situated co-accused persons have been granted anticipatory bail by different Benches of this Court, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Allouli Police Station Case No. 316 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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