

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22757 of 2025

Arising Out of PS. Case No.-391 Year-2024 Thana- MOTIHARI MUFASIL District- East Champaran

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1. Rajan Kumar @ Rajan Sah S/o Late Munni Lal Sah R/o Madhubani Ghat, Ward No 04, PS- Muffasil, District- East Champaran
 2. Rakesh Kumar @ Rakesh Sah S/o Late Munni Lal Sah R/o Madhubani Ghat, Ward No 04, PS- Muffasil, District- East Champaran
 3. Gagan Mukhiya S/o Late Rameshwar Mukhiya R/o Madhubani Ghat, Ward No 04, PS- Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 01-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Motihari Muffasil P.S. Case No. 391 of 2024, registered under Sections 329(4), 191(2), 190, 118(1), 115(2), 76, 303(2) and 352 of the Bhartiya Nyaya Sanhita and later on vide order dated 12.12.2024 under Section 109 of BNS was added.

3. Prosecution story is that based on written report of one Mina Devi addressed to Muffasil Police Station S.H.O. Motihari on 13.08.2024 at about 9 p.m. informant was sleeping in his home when Suraj Sah after drunken condition came to her



door started abusing with filthy language and when the informant went out and stopped then Hukum Mukhiya, Gagan Mukhiya, Rakesh Mukhiya, Satrudhan Mukhiya, Rajan Sah, Chandrika Mukhiya came to the informant's door with deadly weapons. It is further alleged that Chandrika Mukhiya instructed to kill upon which Hukum Mukhiya assaulted on informant's head with *Farsa* due to which her head was cut and blood started oozing. It is further alleged that husband of the informant came to save her then Gagan Mukhiya assaulted with the Axe, due to which informant's husband also got cut on head. Informant further alleged that Rakesh Sah also assaulted informant and her husband with the rod due to which she sustained injuries on hand and neck and thereafter Rajan Sah dragged her by pooling her cloth and trying to outrage her modesty. Informant also alleges that Shatrudhan Mukhiya snatched Mangalsutra worth Rs. 30,000/- and when the informant kept screaming loudly, local villages came and saved the life of the informant and her husband. It is further alleged that during her treatment, informant obtained 18 stitches on her head and informant's husband got 10 stitches.

4. The learned counsel for the petitioners submits that they are innocent and have committed no offence and they have



been falsely implicated on account of dirty village politics and on instigation of some persons. The petitioners also submits that in fact no such of occurrence as alleged in the F.I.R. taken place. The petitioners also submits that from bare perusal of the injury report, it shall transpire that the injuries sustained by the informant and her husband are simple in nature. The petitioners further submits that during the course of investigation, investigating officer as well as informant have not brought a single chit of paper which suggest that the petitioners are involved in the alleged crime.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the present case and particularly the fact that the injury report reveals that both the informant as well as husband of the informant sustained simple injury, this Court is inclined to grant privilege of anticipatory bail to the petitioners.

7. Let the petitioners, named above, in the event of their arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like each amount each to the satisfaction of learned Chief Judicial



Magistrate, Motihari, East Champaran, in connection with
Motihari Muffasil P.S. Case No. 391 of 2024, subject to the
condition laid down under Section 482 of the Bhartiya Nyaya
Sanhita.

(Alok Kumar Sinha, J)

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