

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26174 of 2025

Arising Out of PS. Case No.-148 Year-2024 Thana- RAJNAGAR District- Madhubani

Sushil Mukhiya @ Sushil Kumar Mukhiya S/o Dukhi Mukhiya Resident of
village- Choudhrana Mallah Toli, Ward no 01, PS- Rajnagar, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Thakur, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-08-2025 Heard Mr. Prabhakar Thakur, learned counsel for the
petitioner and the State.

2. The petitioner apprehends his arrest in connection
with Rajnagar P.S. Case No. 148 of 2024 for the offence
registered under sections 341, 323, 324, 307, 447, 379, 354,
504, 506 and 34 of the IPC lodged on 08.05.2024 by the
informant, Nivku Mukhiya.

3. As per the prosecution story, the allegation against
this petitioner is of assaulting Punita Devi beside other
allegations which led to the FIR.

4. The injury report as incorporated in the observation
of learned Sessions Judge shows that it was found to be
grievous in nature.



5. Considering the aforesaid facts, while seeking anticipatory bail of other accused persons, the submission was made that the prayer for anticipatory bail so far as the petitioner, Sushil Mukhiya is concerned, be allowed to be withdrawn. This happened in Cr. Misc. No. 86357 of 2024 disposed of on 17.12.2024.

6. The contention now is that in the change scenario when the parties have come to a compromise on 15.05.2025 (Annexure P/5) beside the signature of the informant, the second anticipatory bail has been filed.

7. Learned APP opposes the prayer submitting that in that case, the petitioner should have submitted the document while seeking bail instead of again invoking the anticipatory bail jurisdiction.

8. This Court finds force in the submission of learned APP. If any subsequent development has taken place, that can be well-considered by the learned Sessions Judge while considering the bail application of the petitioner when he surrenders and files bail petition. This Court do not find any reason to take a re-look on the order passed by the Co-ordinate Bench as recorded above.

9. In that background, the anticipatory bail application



stands rejected.

10. However, if the petitioner surrenders within four weeks from today and files bail petition along with the compromise petition dated 25.05.2025, the Court concerned while deciding the bail application should look into the matter and pass an order preferably on the same day.

(Rajiv Roy, J)

Vijay Singh/-

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