

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32258 of 2025

Arising Out of PS. Case No.-80 Year-2024 Thana- BIHRA District- Saharsa

Rajesh Kumar Mukhiya @ Rajesh Mukhiya S/o Manoj Mukhiya R/o Village-
Purikh P.S- Bahara, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Jha, Advocate
	:	Mr. Kanchan Jha, Advocate
	:	Mr. Nishant Choudhary, Advocate
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 11-07-2025 Heard learned counsel for the petitioner, learned APP

for the State, learned counsel for the informant and perused the

case diary.

2. The petitioner seeks bail in connection with Bihar
P.S. Case No. 80 of 2024 instituted for the offences under
Sections 341, 323, 324, 325, 307, 379, 384, 504, 506, 34 of the
Indian Penal Code.

3. Prosecution case, in short, is that, on the alleged
date and time of occurrence, the petitioner and other co-accused
persons armed with lathi-danda and other lethal weapons were
trying to unload the bricks with an intention to grab the land of
the informant. On protest, scuffle took place between the



parties. It is further alleged that this petitioner gave knife blow to the abdomen of informant's son.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. Learned counsel further submitted that, as per the FIR, there is allegation against this petitioner that he gave knife blow to the informant's son but the injury sustained by him is simple in nature. Learned counsel further contended that there is no repetition of knife blow and, therefore, the same implies that petitioner had no intention to any commit murder, hence, Section 307 of the Indian Penal Code is not attracted. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.01.2025 and has no criminal antecedent. The co-accused person has already been granted bail by this Court vide order dated 18.09.2024 passed in Cr. Misc. No. 49644 of 2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case, claim based on parity, nature of injury as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihar P.S. Case No. 80 of 2024.

(Rudra Prakash Mishra, J)

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