

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33817 of 2025

Arising Out of PS. Case No.-403 Year-2024 Thana- BIHARIGANJ District- Madhepura

Gajjo Mukhiya @ Baijnath Mukhiya S/o Late Jagdish Mukhiya R/o vill -
Hardi col, P.S.- Bhawanipur, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-05-2025 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bihariganj P.S. Case No. 403 of 2024 registered for the offences punishable under Section 137(1), 87 of B.N.S. Act.

3. As per prosecution case, the petitioner and others are said to have kidnapped the daughter of the informant. It is further alleged that the petitioner and others also took away Rs. 25,000/- and one mobile worth Rs. 20,000/- from the house of the informant.



4. Learned counsel for the petitioner submits that petitioner bears no criminal antecedent. The victim in her statement under Section 183 of BNSS does not disclose the name of the petitioner and the petitioner is not in any way connected with the alleged occurrence, though the F.I.R. denotes that the petitioner has participated in the said occurrence. Being father of co-accused Niraj Kumar Mukhiya, the petitioner is falsely implicated in the present case. Learned counsel orally submits that as per medical report, the victim is major. Learned counsel for the petitioner further submits that on similar and identical allegation, co-accused Parwati Devi alias Parvati Devi and co-accused Ranjit Mukhiya have already been granted anticipatory bail by a co-ordinate bench of this Court vide Cr. Misc. No. 32756 of 2025. So far as the statement of victim under Section 183 of BNSS is concerned, the case of the petitioner stands on better footing as the victim in her statement does not whisper anything against the petitioner. Learned counsel for the petitioner orally submits that during the pendency of the present anticipatory bail petition, co-accused



Niraj Kumar Mukhiya alias Niraj Kumar has been granted regular bail by a co-ordinate bench of this Court vide Cr. Misc. No. 32444 of 2025 and the petitioner also deserves bail. It has been orally submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view the clean antecedent of the petitioner, co-accused persons have already been granted anticipatory bail by a co-ordinate bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Udakishunganj, District Madhepura in connection with Bihariganj P.S. Case No. 403 of 2024, subject



to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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