

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37064 of 2025

Arising Out of PS. Case No.-383 Year-2024 Thana- BELDOUR District- Khagaria

Kapil Mukhiya @ Kapildeo Mukhiya S/O Chandradeo Mukhiya Resident of
Village- Shripur, PS- Beldour, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 37967 of 2025

Arising Out of PS. Case No.-383 Year-2024 Thana- BELDOUR District- Khagaria

- 1. Sanjay Mukhiya S/O Late Kalo Mukhiya Resident of Village- Shripur, PS- Beldour, Dist.- Khagaria.
- 2. Raja Kumar S/O Shambhu Mukhiya Resident of Village- Shripur, PS- Beldour, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 37064 of 2025)
For the Petitioner/s : Mr.Ajit Ranjan Kumar
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1
(In CRIMINAL MISCELLANEOUS No. 37967 of 2025)
For the Petitioner/s : Mr.Ajit Ranjan Kumar
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 225-06-2025
1.

Since both these applications arise out of Beldour Police Station Case No. 383 of 2024, with the consent of the parties, both these applications are heard together.
2.
- Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.



3. These applications, for grant of anticipatory bail, arise out of Beldour Police Station Case No. 383 of 2024, dated 03.11.2024, disclosing offences punishable under Sections 126(2)/115(2)/118(2)/109/303(2)/351(2)/352/3(5) of the Bhartiya Nyaya Sanhita, 2023.
4. The prosecution case, as per the First Information Report, is that on 02.11.2024, at about 07:15 AM, when the informant, his wife and other family members went to their field to cut the crop, the petitioners, along with other co-accused persons, abused them and prevented them from cutting the crop. When the informant told them that they are cutting the crop of their own field, the petitioners, along with other co-accused persons, assaulted the wife and son of the informant by means of lathi, danda, iron rod and sharp cutting weapon. Due to the assault of the accused persons, the wife, son and daughters of the informant sustained injuries.
5. Learned Counsel for the petitioners submits that both the parties are agnates and they have falsely been implicated in this case due to long standing land dispute. He further submits that there is case and counter case between the parties inasmuch as Beldour Police Station Case No. 112



of 2024 has been lodged by the petitioner against the informant and others, which is prior in time to the present First Information Report. He further submits that there is general and omnibus allegation against the petitioners, namely, Kapil Mukhiya and Sanjay Mukhiya and the specific allegation of assault is upon petitioner Raja Kumar and wife of co-accused Chandra Deo Mukhiya. He next submits that from perusal of the injury reports of the victims, it is evident that all the injuries are simple in nature, except one of the injuries caused to the wife of the informant, which is grievous in nature but the same is on the non-vital part of the body, i.e. right fore arm.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both parties are agnates, there is general and omnibus allegation against the petitioners, case and counter case is also there and the injuries sustained by the victims are simple in nature, except one of the injuries caused to the wife of the informant, which is grievous in nature but the same is on the non-vital part of the body, I am inclined to grant the petitioners privilege of anticipatory bail.
7. These applications are, accordingly, allowed.



8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria, in connection with Beldour Police Station Case No. 383 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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