

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41646 of 2025

Arising Out of PS. Case No.-44 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Upendra Kumar @ Ajay Kumar S/O Surendra Mukhiya Resident of Village-
Harajpur, P.S.- Muffasil, District- East Champaran
 2. Satan Mukhiya @ Satan Kumar S/O Jagu Mukhiya Resident of Village-
Harajpur, P.S.- Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 15-10-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Motihari Muffasil P.S. Case No. 44 of 2022 for the offence under sections 341, 323, 324, 307, 354, 379, 504 and 506/34 of the I.P.C. lodged on 16.01.2022 by the informant, Siyaram Mukhiya.

3. As per the prosecution story, the informant alleged that armed variously, the accused persons came to their place and then on the order of Mahendra Mukhiya, allegation is that Jitendra Mukhiya gave '*farsa*' blow on the head of Gayatri Kumari causing injury. Further, Mahendra Mukhiya gave '*garasa*' blow on the head of the informant while Ashok



Mukhiya assaulted on his shoulder. The allegation against Sone Lal Mukhiya and Upendra Kumar (petitioner no. 1) of giving '*kulhari*' blow to his wife, Kunti Devi while Suresh Mukhiya and Satan Mukhiya also assaulted his daughter, Rinki Devi. When his son came to the rescue, omnibus allegation of assault is against all the accused persons. This led to the FIR.

4. Learned counsel for the petitioners submit that there is case and counter-case, the matter relates to land dispute and the injuries have not found to be grievous in nature.

5. Learned APP on the other hand opposes the prayer submitting that the FIR was lodged in the year 2022, the case and counter-case clearly shows that they had complete knowledge about the present FIR, chose to approach the Sessions Court and the anticipatory bail application came to be rejected on 23.09.2022. However, instead of approaching this Court and/or submitting surrender petition for grant of bail before the concerned Court, the two petitioners sat over the matter for three long years and in a casual manner, the present anticipatory bail has been preferred.

6. Further, despite the learned Sessions Judge recording that the petitioners tried to hide the criminal antecedent despite the fact that the criminal antecedent is there,



in the main petition, it has been recorded in paragraph-3 that the petitioners do not have criminal antecedent. He submits that subsequently, a supplementary affidavit has been filed after a month bringing on record, the criminal antecedent.

7. Taking into account the submission of the parties as also the points that has/have been raised by the learned APP, clearly not only the allegation is there against the petitioners, they have also chosen to defy the law of the land by sitting over the matter for three years despite the rejection of anticipatory bail in the year 2022. Worse, in the main petition it has been recorded that the petitioner no. 1 has no criminal antecedent despite the fact that the learned Sessions Judge recorded that in the petition before the Sessions Court, it was incorporated that he has no criminal antecedent, in that background, no relief can be extended to them.

8. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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