

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54855 of 2025

Arising Out of PS. Case No.-103 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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Akindar Mukhia @ Akindra Mukhiya son of Maharaj Mukhiya Village
-Hasua @ Hasuaha Ps- Muffasil Motihari District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar No.III, Advocate
For the State	:	Mr. Sunil Kumar Pandey, A.P.P.
For the Informant	:	Mr. Binod Kumar Singh, Advocate
		Mr. Amarendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-09-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 126(2),
115(2), 118(1), 118(2), 109, 352 and 3(5) of the Bharatiya
Nyaya Sanhita, 2023.
3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedents and the informant
alleges that he along with his wife, went to the field for
guarding the maize crop. Further, at 3:00 A.M., he woke up as
someone had assaulted him, causing a cut injury on his face and
saw the petitioner along with two unknown accused fleeing with
the petitioner carrying a spade.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case by the informant on account of a dispute relating to land. It is submitted that the petitioner and the informant are *gotiya* and next-door neighbours. It is also submitted that it does not appear probable that the petitioner, with a spade, would have assaulted the informant as the nature of the injury does not corroborate the allegation. It is next submitted that from the order impugned it would appear that the informant suffered multiple incised wounds on his face. It is thus submitted that by a spade blow, multiple incised wounds could not have been inflicted on the informant, as the informant does not allege that he was assaulted repeatedly.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioner and submits that from a perusal of the allegations as made in the F.I.R., it would appear that the informant, on being assaulted, woke up and saw the petitioner along with two others fleeing from the place of occurrence with a spade. It is also submitted that multiple injuries were inflicted upon the face of the informant and the injury has been opined to be grievous. It is also submitted that



though the informant did not see that it was the petitioner who assaulted him, he saw the petitioner fleeing from the place of occurrence at 3:00 A.M. It is next submitted that the investigation is continuing.

6. Considering the submissions made by the learned A.P.P. for the State and learned counsel appearing on behalf of the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Muffasil P.S. Case No. 103 of 2025 pending in the Court of the learned Chief Judicial Magistrate, Motihari, East Champaran/ Successor Court.

7. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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