

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82996 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- Kashnagar District- Saharsa

1. Pradip Mukhiya @ Pradeep Mukhiya S/O Late Buddhu Mukhiya R/o Village- Pachgachhiya, Ward No.-07, P.S.-Kashnagar, District- Saharsa.
2. Dulari Devi W/o- Pradip Mukhiya @ Pradeep Mukhiya R/o Village- Pachgachhiya, Ward No.-07, P.S.-Kashnagar, District- Saharsa.
3. Urmila Devi D/o- Pradip Mukhiya @ Pradeep Mukhiya R/o Village- Pachgachhiya, Ward No.-07, P.S.-Kashnagar, District- Saharsa.
4. Anju Devi W/o- Santosh Mukhiya R/o Village- Pachgachhiya, Ward No.-07, P.S.-Kashnagar, District- Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rupesh Kumar, Advocate
For the State : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Kashnagar P.S. Case No.26 of 2025, dated-19.03.2025 registered for the offences punishable under Sections 126(2), 115(2), 303(2), 352, 351(2) & (3), 109, 3(5) of the B.N.S., 2023.

3. As per allegation, the accused persons and the Informant are co-sharer and there was dispute regarding partition of landed property of the family. As per further case of



the prosecution, the accused side was constructing a house on the front side of the land to the road and the Informant is given back side of the land. Hence, altercation took place and the Informant was assaulted by the Petitioners and other co-accused causing injury on the person of the Informant.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that as a matter of fact, altercation took place between the two sides on account of partition of landed property situated on the roadside, in which both the sides got injury and case and counter case has been filed and previously, case has been filed by the Petitioners' side bearing Kashnagar P.S. Case No. 25 of 2025 and the present case has been registered as a counter case to that. He further submits that the injury caused to the Informant is simple in nature as transpires from the order passed by learned Sessions Court by which the Petitioners have been denied bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.



7. Learned APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the family dispute, case and counter case and simple nature of the injury caused to the victim, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Kashnagar P.S. Case No.26 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong,



learned court below shall cancel the bail bonds of the
petitioners.

(Jitendra Kumar, J.)

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