

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83406 of 2025

Arising Out of PS. Case No.-151 Year-2025 Thana- PANDAUL District- Madhubani

1. Pankaj Mukhiya S/O Kari Mukhiya @ Kusheshwar Mukhiya R/O Vill.- Dihtola, P.S.- Pandaul, Dist.- Madhubani
2. Rajesh Mukhiya S/O Kari Mukhiya @ Kusheshwar Mukhiya R/O Vill.- Dihtola, P.S.- Pandaul, Dist.- Madhubani
3. Kamalu Mukhiya S/O Kari Mukhiya @ Kusheshwar Mukhiya R/O Vill.- Dihtola, P.S.- Pandaul, Dist.- Madhubani
4. Kari Mukhiya @ Kusheshwar Mukhiya S/O Jhari Mukhiya @ Kusheshwar Mukhiya R/O Vill.- Dihtola, P.S.- Pandaul, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Arun Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-12-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Pandaul P.S. Case No. 151 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 74, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegation against the petitioners is of causing assault to the informant and his father and wife by means of



lathi, danda and iron rod, due to which they sustained serious injuries.

4. Learned Advocate appearing on behalf of the petitioners submitted that as per the narratives of the FIR it is evident that it co-accused Bimlesh Mukhiya and petitioner no. 1 have specifically assaulted the informant by means of rod over his head, due to which he sustained injury besides omnibus allegation against other accused persons of causing assault. The alleged occurrence took place on 13.07.2025, but surprisingly the present FIR came to be instituted on 17.07.2025 without there being any plausible explanation for delay. So far the injuries which are allegedly sustained to the informant and his family members are concerned, all of them have been found to be simple in nature. To consider the aforesaid contention, the injury reports have been placed on record as Annexure P/2 series. The petitioners are men of fair antecedent and they undertake that they will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that because of the assault being made by the petitioners, three persons have sustained injuries.



6. Having considered the submissions set forth by learned Advocate for the respective parties and taking note of the nature of accusation *qua* the simple injury, besides the fair antecedent as well as delay in lodging of the FIR, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Pandaul P.S. Case No. 151 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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