

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89575 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Rajeev Mukhiya @ Rajiv Mukhiya @ Rajeev Mu. S/O Dorik Mukhiya R/O Village- Balanth, Police Station-Kusheshwar Asthan , District-Darbhang
 2. Bhagalu Mukhiya S/O Dorik Mukhiya R/O Village- Balanth, Police Station-Kusheshwar Asthan , District-Darbhang
 3. Jai Prakash Mukhiya @ Jay Prakash Mukhiya S/O Dorik Mukhiya R/O Village- Balanth, Police Station-Kusheshwar Asthan , District-Darbhang
 4. Laltus Kumar @ Lalatush Muhiya @ Laltush Mukhiya S/O Dorik Mukhiya R/O Village- Balanth, Police Station-Kusheshwar Asthan , District-Darbhang

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Kusheshwar Asthan P.S. Case No. 130 of 2024 dated
27.05.2024, instituted for the offence punishable under Sections
341, 325, 323, 324, 308, 354, 379, 504 and 506/34 of the Indian
Penal Code.

3. The prosecution case, in short, is that on 26-05-
2024 at 9.00 PM the informant was sitting at his *verandah* when
all of sudden accused person, namely, Rajiv Mukhiya started



abusing him. When informant objected then petitioner no. 1 Rajiv Mukhiya along with other petitioners armed with rod, *farsa* came there and on the order of Dorik Mukhiya, accused Rajiv Mukhiya gave *farsa* blow on his head due to which informant sustained head injury. When informant's grandfather Aghnu Mukhiya came to save him then accused Bhaglu Mukhiya with intention to kill him assaulted with *farsa*, which hit on the head of Aghnu Mukhiya and he became injured. When informant's cousin Indrajeet Mukhiya came to save them then Jai Prakash Mukhiya and Laltush Mukhiya wrapped gamcha around his neck and twisted the same due to which he became unconscious and fell down the ground. It is further alleged that accused Jai Prakash Mukhiya and Laltush Mukhiya also assaulted him with rod when he fell on the ground due to which his hand was broken. It is further alleged that when informant's wife Vibha Devi came to save him and raised *halla* then accused persons naked her and dashed her.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that the injury report shows that injuries are caused by hard and blunt substance which is simple in nature except the injury of Indrajeet Mukhiya whose opinion



regarding nature of injury is reserved. It is submitted that there is case and counter case between the parties. The counter case bearing Kusheshwar Asthan P.S. Case No. 131 of 2024 has been lodged by petitioner no. 1 against the informant's side. It is further submitted that both the parties are neighbours. It is submitted that petitioners have also received injuries. Lastly, it has been submitted that they have one criminal case against them.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Kusheshwar Asthan P.S. Case No. 130 of 2024, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Biraul, Darbhanga, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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