

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.12040 of 2026

Arising Out of PS. Case No.-367 Year-2025 Thana- KOTWA District- East Champaran

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Mukesh Rai @ Mukesh Kumar Son of Radha Rai Resident Of Village
-Mahamada, Ps -Piprakothi, Dist -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 13-05-2026 1. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of regular bail, arises
out of Kotwa Police Station Case No. 367 of 2025, disclosing
offences under Sections 126(2), 115(2), 118(1), 109(1), 76,
352, 351(2), 3(5) of the BNS, 2023.

3. As per the FIR, on 05.10.2025, the petitioner along
with other accused persons arrived and petitioner along with
co-accused Satendra Rai started abusing the informant and also
threatened to kill. It has further been alleged that petitioner



assaulted the informant with iron rod on his head and when his sister-in-law came for his rescue, then petitioner wrapped her stole around her neck with the intention to kill. It has further been alleged that when informant's father/Bagad Rai, tried to rescue him, then the co-accused persons, total six in numbers, started assaulting his father with lathi and iron rod due to which he died during course of treatment.

4. Mr. Sanjeev Kumar, learned counsel for the petitioner, submits that both the parties are neighbours and there was previous dispute between them. The allegation against the petitioner is that he assaulted the informant and his sister-in-law/Kavita Devi. The injury caused to the informant has not been brought on record during course of investigation. Kavita Devi has sustained simple injury. The petitioner is having no allegation that he assaulted the deceased. In the FIR, six persons have been named who allegedly assaulted the deceased. Petitioner is in custody since 09.10.2025.

5. On the other hand, learned counsel for the state submits that the statement of the injured witnesses Jitendra Kumar, who happens to be the brother of the informant, was recorded. In his statement, he has said that the petitioner assaulted him also with rod and Jitendra Kumar has sustained



grievous injury.

6. Regards being had to the submissions made by the parties and taking into consideration the fact that in the FIR, the only allegation against the petitioner is that he assaulted the informant and his sister-in-law/Kavita Devi, the injury caused to the informant has not been brought on record by the prosecution, Kavita Devi has sustained a simple injury and there is no allegation in the FIR against the petitioner that he assaulted the brother of the informant, Jitendra Kumar, and petitioner is in custody since 09.10.2025, I am inclined to grant regular bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Judicial Magistrate, First Class, Sadar, East Champaran, Motihari, in connection to the Kotwa Police Station Case No. 367 of 2025.

9. This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his



bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

HarshPandey/-

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