

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17279 of 2026

Arising Out of PS. Case No.-241 Year-2025 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Rajendra Mukhiya S/O Mahendra Mukhiya Resident of Village- Missi, Ward
No.13, Police Station- Kusheshwar Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-03-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Kusheshwar Asthan P.S. Case No. 241 of 2025, registered for the offence under Sections 126(2) /115(2) /117 (2) /132/303(2)/118(1)/121(2)/121(2)/3(5) of the B.N.S., 2023 lodged on 13.08.2025 by the informant, Ajay Kumar.

3. As per the prosecution story, the informant alleged that during motorcycle checking, found two persons carrying a plastic bag. As they tried to escape, fell into the ditch having mud. However, he manage to escape from the place taking benefit of darkness. From the bag, there is/was recovery of 35.500 litres of country made liquor. This led to the seizure/FIR. Later, the informant went to the village and found two persons who were fully covered in mud. Their names were Govind



Mukhiya and Rajendra Mukhiya (petitioner). Further, they attacked the police party causing injury on the head and also damaged the motorcycle. This led to the second FIR.

4. Learned counsel for the petitioner submit that though exaggerated FIR is there, so far as this case is concern nothing is on record to show that the informant ever hit on his head and hand.

5. The last submission is that without accepting the allegation or outcome of the present petition, the petitioners intent to pay Rs. 10,000/- (Rs. Ten Thousand only) to the informant towards treatment by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted at the time of execution of bail bond.

6. Learned APP opposes the prayer submitting that the liquor was also recovered from the motorcycle and the petitioner also assaulted the informant.

7. Taking into account the submissions of the parties as also that a categorical submission of the learned counsel for the petitioner that the injury report is not on record, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner



to be paid by Demand Draft of local State Bank of India branch/any Nationalized bank branch to be submitted to the Trial Court and handed over to the informant.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge-1 (Excise Act), Darbhanga, in connection with Kusheswhar Asthan P.S. Case No. 241 of 2025, subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Voter Id/Driving License /Pan Card) to show his/her bona fide;

(ii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned



police station every month for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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