

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28272 of 2026

Arising Out of PS. Case No.-25 Year-2026 Thana- BARAULI District- Gopalganj

1. Sonu Kumar S/o Prahlad Mukhiya R/o Village - Rupanchhap (Ram Nagar Tola), P.S - Barauli, District - Gopalganj
2. Prahlad Mukhiya S/o Late Shivpujan Mukhiya R/o Village - Rupanchhap (Ram Nagar Tola), P.S - Barauli, District - Gopalganj
3. Babuchand Mukhiya @ Babuchand S/o Vijay Mukhiya R/o Village - Rupanchhap (Ram Nagar Tola), P.S - Barauli, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-05-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Barauli P.S. Case No. 25 of 2026 registered for the offences under Sections 126(2), 115(2), 109, 351(2), 352 and 3(5) of B.N.S.

3. As per prosecution case, while the informant has been taking his dinner, the petitioners came there and assaulted the informant causing fracture of his head.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have falsely been implicated in this case. The allegations are general and omnibus against the petitioners to assault the informant by *lathi* causing fracture of his head but from the injury report it appears he received only one injury which is simple in nature. Learned counsel further submits that no offence under Section 109 of BNS is made out as there was no intention to cause death of any person. Learned counsel further submits that the written report was submitted a day after the occurrence without any satisfactory explanation. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioners and further considering the single injury upon the informant for causing which allegations are against a number of persons and also considering the absence of ingredient to make out a case under Section 109 of BNS, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two



sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Gopalganj/concerned court in connection with Barauli P.S. Case No. 25 of 2026, subject to the condition as laid down under Section 482(2) of the B.N.S.S. and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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