

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41768 of 2026

Arising Out of PS. Case No.-477 Year-2025 Thana- JOGAPATTI District- West Champaran

Birbal Mukhiya @ Birbal Bin, S/O Biau Bin @ Bikram Mukhiya, R/O
Village- Jaralpur, P.S - Yogapatti, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Kumar Shukla, Advocate Ms. Preety Singh, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Yogapatti P.S. Case No. 477 of 2025 registered for the offences under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegation against the petitioner is that he, along with others, had killed the husband of the informant and thereafter turned the tractor upon him in order to show an accident.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case, as it was a clear-cut case of accident in which the husband of the informant



died. It has further been submitted that from the perusal of the postmortem report, it would be evident that the injuries sustained by the deceased were caused by hard and blunt substance and the death was due to hemorrhage and shock, which goes on to show that the allegation of strangulation is not correct. It has next been submitted that the petitioner has been made an accused merely on suspicion and there is no eyewitness to the occurrence. It has lastly been submitted that the petitioner carries clean antecedent.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Yogapatti P.S. Case No. 477 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S.



as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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