IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76852 of 2026

CNR No. BRHC011085782026

Arising Out of PS. Case No.-190 Year-2025 Thana- MOTIHARI MUFASIL District- East Champaran

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1. Marachi Devi @ Marachhiya Devi W/o Late Nakched Mukhiya Resident of Village- Basmanpur, Post- Motihari, PS- Muffasil, District- East Champaran
2. Gendu Devi W/o Suresh Mukhiya @ Surendra Kumar Resident of Village- Basmanpur, Post- Motihari, PS- Muffasil, District- East Champaran

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 04-11-2026 Heard the learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Muffasil P.S. Case No.190 of 2025, F.I.R dated 26.03.2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, on 24.03.2025 at about 6:00 PM, the informant was allegedly abused by the FIR-named accused persons, including the petitioners, over a land

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dispute. It is alleged that accused Surendra Mukhiya assaulted the informant with an iron rod on his head, while the petitioners assaulted his brother with lathis when he intervened. It is further alleged that Surendra Mukhiya snatched Rs. 30,000/- from the informant's pocket.

4. Learned counsel for the petitioners submits that the allegation of overt act is against Surendra Mukhiya, who is not the petitioner in the said case, while, the allegations against these petitioners are general and omnibus in nature. It has further been submitted that the petitioners have no criminal antecedent and are ready to cooperate with the investigation / trial.

5. Learned APP for the State opposes the prayer for anticipatory bail application, however, does not controvert the submission of the learned counsel for the petitioner.

6. Considering the aforesaid facts and circumstances that the specific allegation of overt act is against Surendra Mukhiya, while, the allegations against these petitioners are general and omnibus in nature and that the petitioners have no criminal antecedent and are ready to cooperate with the investigation / trial. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

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7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Motihari (East Champaran) in connection with Muffasil P.S. Case No.190 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) 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/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

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

(Ajit Kumar, J)

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