IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79773 of 2026

CNR No. BRHC011159382026

Arising Out of PS. Case No.-27 Year-2026 Thana- Darhar District- Saharsa

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Santosh Kumar Mukhiya @ Santosh Mukhiya S/o Jago Mukhiya R/O Village - Jharba, Ward No 8, Ps - Darhar, District - Saharsa.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Chandra Mohan Jha, Adv
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Darhar P.S. Case No. 27 of 2026, registered for the offence punishable under Sections 191(2), 191(3), 126(2), 115(2), 109, 118(1), 117(2), 352, 351(2), 351(3) of B.N.S.

3. The case of the prosecution, in short, as per the informant is that on 25.03.2026 at about 3:00 P.M., due to previous enmity, accused Mantosh Kumar abused the informant on the road in front of his house. When the informant objected, the other accused persons, namely Santosh Mukhiya, Manohar Kumar, Jago Mukhiya and Raj Kumar Mukhiya, came there and, in furtherance of their common intention, also abused and

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assaulted him. It is alleged that Mantosh Kumar assaulted the informant with an iron rod, while Santosh Mukhiya assaulted him with a lathi, causing injury to his right hand and fracture thereof. The accused persons also allegedly assaulted the informant's family members.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He has falsely been implicated in the present case due to ulterior motive of the informant. There is a case and counter case. He further submits that the petitioner has no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer of anticipatory bail.

6. From the reading of the allegations contained in the FIR, it appears that the main assailant is Mantosh Kumar and not the petitioner. The allegation against the petitioner is of having attacked with lathi which caused injury on the right hand of the informant. The incident appears to have taken place on account of there being land dispute between the parties and it is a case and counter case which has been stated in paragraph 6 of the application supported by annexure-2. He further submits that the petitioner has no criminal antecedent. Under these circumstances, this Court is inclined to grant privilege of

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anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks from today, 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 J.M.F.C., Saharsa in connection with Darhar P.S. Case No. 27 of 2026, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to the further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case 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, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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