

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88221 of 2025

Arising Out of PS. Case No.-80 Year-2024 Thana- BIHRA District- Saharsa

Shambhu Mukhiya Son of Valeshwar Mukhiya @ Balel Mukhiya @
Baleshwar Mukhiya Resident of Village - Kedli, P.S.- Nauhatta, District -
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Bihra P.S. Case No. 80 of 2024 instituted for the offences
under Sections 341, 323, 324, 325, 307, 379, 384, 504, 506 &
34 of the Indian Penal Code.

3. Prosecution case, in short, is that, on the alleged
date and time of occurrence, the petitioner and other co-accused
persons armed with lathi-danda and other lethal weapons were
trying to unload the bricks with an intention to grab the land of
the informant. On protest, scuffle took place between the
parties. It is further alleged that this co-accused gave knife blow
to the Kishore Mukhiya which hit him beside left ear.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. From perusal of the FIR, it would reveal that there is no specific allegation against the petitioner, rather the same is against co-accused, Birbal Mukhiya. It is next submitted that even if the allegation is taken on its face value, injury of the injured is found to be simple in nature. Petitioner is a man of clean antecedent. Other co-accused has been granted bail by this Court vide order dated 18-09-2024, passed in Cr. Misc. No. 49644 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made by the learned counsel for the parties, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen 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 Bihra P.S.
Case No. 80 of 2024, subject to the conditions as laid down
under Section 482(2) of the BNSS, 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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