

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84975 of 2025

Arising Out of PS. Case No.-72 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Prakash Mukhiya @ Prakash Kumar Mukhiya S/o- Mohan Mukhiya Resident
of village - Saroni Kala, Ward No. 09, Police Station - Bihariganj, District -
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Arun, Advocate
For the State : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section 140(3) of the B.N.S. and later
on, Sections 103(1), 238, 61(2) and 3(5) of the B.N.S. were
added.

3. As per prosecution case, on 23.12.2020, son of
informant went missing and his mobile phone was also switched
off and later on, his dead body was found.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.
Petitioner is not named in the F.I.R.. Name of petitioner
transpired in this case during investigation. There is no material



on record to show the complicity of this petitioner in the alleged offence. Moreover, charge-sheet has already been submitted and petitioner, having no criminal antecedents, is in custody since 28.02.2025.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that name of petitioner transpired in this case during investigation and it has also come that the deceased had illicit relations with the wife of this petitioner and therefore, this petitioner, along with other co-accused persons, conspired and killed the deceased.

6. Considering the facts and circumstances of the case and materials that have surfaced during course of investigation, the prayer for grant bail of to the petitioner is rejected.

7. However, considering the fact that petitioner is in custody since 28.02.2025, the learned trial court is directed to expedite the trial and conclude the same, preferably within a period of one year from the date of receipt/production of a copy of this order.

(Prabhat Kumar Singh, J)

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