

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87663 of 2025

Arising Out of PS. Case No.-194 Year-2025 Thana- MAHISHI District- Saharsa

-
1. Soman Mukhiya @ Suman Mukhiya, aged about 28 years (M), S/O Jageshwar Mukhiya
 2. Manoj Mukhiya (M), aged about 24 years, S/O Jageshwar Mukhiya
 3. Lakshman Mukhiya aged about 30 years (M), S/O Jageshwar Mukhiya
All residents of Village -Chatariya (Chatriya) Punarwas, Ward No. 02, P.S.- Mahishi (Jalai O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-01-2026 Heard Mr. Pawan Kumar, learned counsel appearing on behalf of the petitioners and Mr. Umeshanand Pandit, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Mahishi P.S. Case No. 194 of 2025 registered for the offence punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 74, 352, 351(2), 351(3) and 3(5) of the BNS.

3. As per the allegation made in the FIR, petitioners along with other co-accused persons were plucking mango from the mango orchard of the informant without permission and upon protest, they had assaulted the informant and his brother



causing injury.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Both the parties, who are agnate, were involved in dispute with respect to a piece of land, due to which, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injury to the informant side, without intention. Injuries sustained by the informant side are found to be simple in nature as would appear from the impugned order. There is case and counter case between the parties. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that both the parties, who are agnate, were involved in dispute with respect to a piece of land, due to which, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injury to the informant side, without intention. Injuries sustained by the informant side have been



opined by the doctor to be simple in nature as would appear from the impugned order. There is case and counter case between the parties. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Mahishi P.S. Case No. 194 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

