

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89937 of 2025

Arising Out of PS. Case No.-388 Year-2025 Thana- JOGAPATTI District- West Champaran

1. Tulasi Kumar Mukhiya @ Tulshi Mukhiya @ Tulsi Mukhiya S/o Late Shankar Mukhiya R/o vill- Ward no 4, Bagahi, PS- Yogapatti, District- West Champaran
2. Rudal Mukhiya S/o Late Shankar Mukhiya R/o vill- Ward no 4, Bagahi, PS- Yogapatti, District- West Champaran
3. Umesh Mukhiya S/o Late Shankar Mukhiya R/o vill- Ward no 4, Bagahi, PS- Yogapatti, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-01-2026 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Yogapatti P.S. Case No. 388 of 2025 for the offence registered under sections 126(2), 115(2), 109(1), 351(2), 352, 118(1), 3(5) of BNS.

3. As per the prosecution story, the informant alleged that Rudal Mukhiya in a drunken state came out with a *farsa* and assaulted the informant, Shivpujan Mukhiya. When his son, Bullet came to rescue, allegation is that Umesh Mukhiya assaulted on the head having sword in his hand. As Dilip Kumar



came to save him, Tulsi Mukhiya assaulted by iron rod while Rudal Mukhiya's wife, Pratima Devi assaulted the informant's son. They were taken to the Primary Health Center which followed the FIR.

4. Learned Counsel for the petitioners submit that injury reports are part of the petition and the injury report of Dilip Kumar and Shivpujan have been found to be simple in nature. The role of assault has been assigned to Tulsi Mukhiya and Rudal Mukhiya. He, however, concede that so far as the injury given by Umesh to Bullet is concerned, it has been found to be grievous in nature.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that at least one of the injury has been found to be grievous in nature.

6. Taking into account the submissions of the parties so far as the anticipatory bail application of petitioner no. 3, Umesh Mukhiya is concerned, considering the injury given by him to Bullet has been found to be grievous, no case is made out, his anticipatory bail application stands rejected.

7. Regarding petitioner nos. 1 and 2, namely, Tulsi Mukhiya and Rudal Mukhiya, though allegation is there, the same have been found to be simple in nature, these two



petitioners have no criminal antecedent, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

8. Let the petitioner nos. 1 and 2, namely, Tulsi Mukhiya and Rudal Mukhiya in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 388 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner nos. 1 and 2, namely, Tulsi Mukhiya and Rudal Mukhiya, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioner nos. 1 and 2, namely, Tulsi Mukhiya and Rudal Mukhiya 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 bail bond by the Trial court itself;



(iii) the petitioner nos. 1 and 2, namely, Tulsi Mukhiya and Rudal Mukhiya shall appear before the concerned police station every month for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner nos. 1 and 2, namely, Tulsi Mukhiya and Rudal Mukhiya 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;

(v) the petitioner nos. 1 and 2, namely, Tulsi Mukhiya and Rudal Mukhiya shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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