

Anticipatory Bail Application No. 458/2026

Jeevachh Mukhiya & 06 Others.....Petitioners

Versus

The State of Bihar

O R D E R

06.06.2026

This anticipatory bail application has been filed on behalf of petitioners, **namely, 1. Jeevach Mukhiya, 2. Madam Mukhiya, 3. Dasrath Mukhiya, 4. Aghanu Mukhiya, 5. Vishnu Deo Mukhiya, 6. Sulen Mukhiya @ Sulendra Mukhiya and 7. Chiri Devi**, apprehending their arrest in connection with Darhar P.S. Case No. 33/2026 for committing offence under sections – 191(2), 191(3), 115(2), 126(2), 74, 110, 303(2), 352, 351(2), 351(3) of Bhartiya Nyaya Sanhita, and the same is pending in the court of Smt. Anwara Khatoon, Ld. J.M.F.C., Saharsa.

Heard Sri Lalmohar Yadav, Ld. defence counsel appearing on behalf of the petitioners, as well as Sri Hari Shekhar Mishra, Ld. A.P.P. for the State.

Learned counsel for the petitioners submitted that the Petitioners are quite innocent and have falsely been implicated into this case. No any bail petition of the petitioners has filed either before the learned court or the Hon'ble High Court prior to it. He further submitted that there has not been any incident occurred as alleged in the FIR. Further, all the alleged sections are bailable except sections- 74, 110 and 303(2) of BNS which are mere addition and the same are not applicable against the petitioners. He specifically stated that the petitioners have no criminal antecedent. Petitioners are men and women of means and there is no chance of their absconding or tampering with evidence. Petitioners are ready to abide by the conditions which may be imposed by this court. Lastly, Ld. counsel prayed that the petitioners may be enlarged on anticipatory bail.

Ld. A.P.P. vehemently opposed the prayer of pre-arrest bail on the ground that the allegations levelled against them are serious in nature. Therefore they do not deserve anticipatory bail.

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The prosecution story as based on fardbeyan of informant, Suresha Devi in brief, is that on 01-04-2026, at approximately 02:00 PM, all the FIR named persons assembled in front of the Dukhi Mukhiya's house for panchayat on the matter of boy-girl, then accused Jeevachh Mukhiya instigated the group to kill the informant, prompting Madan Mukhiya and Dasrath Mukhiya to forcefully struck her with a stick and iron rod, tore her clothes. Simultaneously, Bijli Devi and Urmila Devi came to rescue the informant, who were also badly assaulted by accused Aghnu Mukhiya and Shailendra Mukhiya. When informant's son Pankaj came to save them, then he was also assaulted on head by Jeevachh Mukhiya and Vishnudev Mukhiya with intention to kill due to which he was badly injured. And all of them got unconscious by the assault. It is further alleged that, the accused-persons forcibly snatched her nose-ring worth ₹75,000/- and also looted cash of about ₹50,000/- from her house. With assistance of local residents, their life were saved. Hence, this FIR is lodged.

Heard both the sides and perused the materials available on record. On perusal of materials available on record, it appears that the present case has been registered against the accused-petitioners under sections – under sections – 191(2), 191(3), 115(2), 126(2), 74, 110, 303(2), 352, 351(2), 351(3) of Bhartiya Nyaya Sanhita and the petitioners are FIR named accused. As per allegation in this case, the accused-petitioners along with other co-accused persons are alleged to have assaulted the informant and others and also looted her cash of about ₹50,000/- and a gold nose ring worth about ₹75,000/-. The injury reports of injured person are available in the case diary, which are very suspicious in nature, as the informant of the case Suresha Devi is found injured as per allegation, but there is no injury report available of the informant, and the injury report of one injured Angad Kumar(whose name was not mentioned in FIR as injured) is attached, and the opinion was reserved but later on his injury was found grievous. And the injuries of Pankaj Kumar

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primarily shows that there is no external injury seen, but later on some of the injuries are found greivous in nature. Another injured Uro Devi's injuries was also found earlier simple but later on opinion of injuries given grievous, which is very suspicious. Further, there is no criminal antecedent behind the back of these petitioners and the investigation in this case is still in progress and final outcome is yet to come.

Having gone through the above discussions and materials available on record and taking into account that there is no criminal antecedent of the petitioners and the allegations are general and ominbus in nature as well as the injury report which shows huge suspicion, on these grounds, it is justiciable to enlarge the accused-persons on pre-arrest bail. Hence, the anticipatory bail petition of petitioners **namely, 1. Jeevach Mukhiya, 2. Madam Mukhiya, 3. Dasrath Mukhiya, 4. Aghanu Mukhiya, 5. Vishnu Deo Mukhiya, 6. Sulen Mukhiya @ Sulendra Mukhiya and 7. Chiri Devi,** is **Allowed**. It is directed that in the event of their arrest or surrender before Ld. Trial Court within 4 weeks from production of copy of this order, whichever is earlier, petitioners shall be released on bail on furnishing bail bond of **Rs. 10,000/- with two sureties** of like amounts each to the satisfaction of of Ld. Trial Court, Saharsa.

(Dictated & corrected by me)

Sd/-

Distt. & Addl. Sessions Judge-II,
Saharsa. 06.06.2026