

**COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- III<sup>rd</sup>, SAHARSA**  
**Present- Chandan Kumar**

**ABA No.- 632/2026**

**Arising out of Darhar P.S. Case No.- 07/2024**

Sunil Mukhiya and three others

Petitioners

Versus

State of Bihar

Opp. Party

| Date of order or proceeding | Order with signature of the court                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Office action taken with date |
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| 08.07.2026                  | <p>1. The present bail petition has been filed on behalf of accused persons namely <b>1.Sunil Mukhiya, 2. Ramshankar Mukhiya, 3. Vijay Kumar @ Vijay Mukhiya and 4. Ajay Mukhiya</b> who are apprehending their arrest in connection with Darhar PS Case No. 7/2024 registered for the offences punishable U/Ss- 191(2), 191(3), 126(2), 115(2), 109, 352, of BNS. The record has been been put up for hearing.</p> <p>2. Heard Sri Amarendranath Jha, learned counsel for the petitioners as well as the learned A.P.P. Sri Sadanand Yadav for the State.</p> <p>3. The case of prosecution in brief as per written information of Bholi Devi is that on 07.08.2024 at about 02:30 PM one Rubi Devi took her (informant's) goat from her (informant's) field and on making query accused persons including the present petitioners started making abuse. Further on protest being made by her husband Dukha Mukhiya, accused Ramkishun instigated upon which all the accused persons started making assault using iron rod and Dabiya. Further in said course Ajay Mukhiya and Ramshankar Mukhiya</p> |                               |

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| <u>page-2</u><br>Contd.<br>08.07.2026 | <p>caught from behind while Punita Devi gave blow of to which Dukha Mukhiya sustained injury on his head. Further accused Sunil Mukhiya and Anil Mukhiya also made assault. Further when her daughter and daughter-in-law came for rescue they too have been subjected to assault. Later villagers pacified the situation and got the injured carries to PHC Madhepur for treatment.</p> <p>4. Learned counsel for the petitioners has orally submitted that petitioner not.-2 is having clean antecedent and petitioner no.-1, 3 and 4 are having one antecedent and further he submitted that earlier petitioners have not filed any application for bail in this Court or before the Hon'ble High Court. Further he submitted that petitioners have falsely been implicated in this case. Further he submitted that Sunita Devi W/o Anil Mukhiya (one of the present petitioners) has also filed case bearing Darhar P.S case number 08/2024. Further he submitted that the there is no direct allegation against present petitioners. Beside it co-accused has been granted pre-arrest bial vide order dated 03.11.2025 in ABA No.-98 of 2025. Lastly, it is submitted that the Petitioners are man of means and there is no chance of their absconding or tampering with the evidence in this case. Hence, the prayer for bail may be allowed.</p> <p style="text-align: center;">On the contrary learned A.P.P. opposed the prayer for bail.</p> |  |
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| <u>Page-3</u><br>contd.<br>08.07.2026 | <p>5. I have heard the rival submission of both parties. Perused the case record. On perusal of the record it appears that the present case has been registered for the alleged incident of assault in which allegedly six persons got to injured, however the nature of injury on the person of Dinesh Mukhiya, Lakshmi Kumari, Kiran Kumari and Bhuli Devi are simple caused by hard and blunt substance. Further the injury report of Sadar Hospital Madhubani with respect to Fuldai and Dukha were earlier kept reserved as on 28.08.2024 and later injury report of Fuldai Kumari and Dukha Mukhiya have been prepared on 10.05.2025 which has been furnished on record and the same shows the nature of injury on the person of Fuldai Kumari to be simple and also as per the final injury report of Dukha Mukhiya as stated in para-84 of the case diary showing the opinion of the doctor as "it should be treatment (sic treated) as simple injury obtain for unless until opinion from higher centre. As such till date and at this stage there is nothing on recording to infer that the nature of injury on the person of Dukha Mukhiya is grievous. Further the criminal antecedent alone should not be the sole ground for rejection of prayer for bail and also it appears that the case has also been instituted against the informant and others at the instance of one Sunita Devi said to be wife of one of the present petitioner Sunil Mukhiya for the alleged</p> |  |
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| <u>Page-4</u><br>contd.<br>08.07.2026 | <p>incident of the assault of 10.08.2024. Beside it the material on record show that there lies land dispute between the parties for which partition case number 48/2024 has been instituted by Dukha Mukhiya against Ramkishun Mukhiya and both the injured and Ramkishun Mukhiya who is one of the petitioner are own brother.</p> <p>6. Considering the fact and circumstances discussed above anticipatory bail petition of <b>1.Sunil Mukhiya, 2. Ramshankar Mukhiya, 3. Vijay Kumar @ Vijay Mukhiya and 4. Ajay Mukhiya</b> is <b>allowed</b> and it is ordered that in the event of arrest/surrender they will be enlarged on anticipatory bail on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court below subject to the conditions as laid down u/s 482(2) BNSS.</p> <p style="text-align: center;"><b>(Dictated &amp; corrected by me)</b></p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Chandan Kumar)<br/>District &amp; Addl. Sessions Judge III</p> |  |
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