

R.B.A. No. 386/2026

Chandeshwar Mukhiya.....Petitioner

Versus

The State of Bihar

O R D E R

20.06.2026 Ld. counsel moved this bail application filed on behalf of **petitioner namely, Chandeshwar Mukhiya** who is in custody since 24.05.2026 in connection with Bihra P.S. Case No. 18/2026 for committing offence under section – 126(2), 115(2), 118(1), 118(2) 109(1), 76, 303(2)/ 3(5) of B.N.S. and the same is pending in the court of Sri Subham Kumar Ld. J.M.F.C., Saharsa.

Heard Sri Shyam Sundar Gupta, Ld. counsel appearing on behalf of the petitioner and Sri Hari Shekhar Mishra, Ld. A.P.P. representing the State.

According to the prosecution story, the informant, Srikant, stated that on the morning of the incident around 8:00 a.m., he was sitting in the village community hall discussing arrangements for Sanjay Mukhiya's daughter's wedding when a violent assault was unleashed upon him. Aggrieved by not inviting Suren's father to meeting, Phulo Mukhiya, from the meeting, an armed group comprising Suren Mukhiya, Rudal Mukhiya, Indal Mukhiya, Rohit Mukhiya, and Chandeshwar Mukhiya stormed the hall shouting abuses. Suren Mukhiya launched a direct attack with an axe, striking Shrikant's forehead, while Rudal Mukhiya slashed him on the head with a sharp sword, splitting his ear and rendering him unconscious. When Shrikant's wife rushed forward to rescue her husband, Indal and Rohit Mukhiya violently restrained and assaulted her, tearing her blouse and pulling off her sari to leave her half-naked, while Chandeshwar Mukhiya grabbed her by the collar and repeatedly punched her in the face. On hearing the ruckus, villagers arrived, cover the informant's wife and took the injured persons to Saharsa Hospital, where it was later discovered during his medical treatment that Chandeshwar Mukhiya had stolen a gold earring worth Rs. 70,000/- from his wife and Suren Mukhiya had robbed Rs. 4,300/- directly from informant's pocket. Hence, this FIR.

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Learned counsel for the petitioner submitted that petitioner is innocent and has committed no offence. Petitioner has never moved any bail application before this court or before any other higher court prior to it. Ld. counsel further submitted that the petitioner and informant are own diyads and neighbour and there is land dispute between them. Petitioner has criminal antecedent vide Bihra P.S. Case No. 297/2025 u/s- 326B, 352, 323 BNS. He further submitted that all the sections are bailable except 118(1), 118(2), 109(1), 76 of BNS which are super addition to make the case graver and the same are not applicable against the petitioner. Petitioner is in judicial custody since 24.05.2026. Petitioner is man of means and there is no chance of his absconding and ready to furnish sound sureties for the full satisfaction of learned court. Petitioner is ready to abide by the conditions which may be imposed by this court. Therefore, Ld. counsel prayed that the petitioner may be enlarged on bail.

Ld. A.P.P. vehemently opposed the prayer for bail.

Heard both sides and perused the record. From perusal of record and submissions of the parties it appears that this case is registered for the offences punishable under section – 126(2), 115(2), 118(1), 118(2) 109(1), 76, 303(2)/ 3(5) of B.N.S. and the petitioner is named in the FIR. As per allegation, the petitioner along with other co-accused persons have assaulted the informant side and looted Rs. 4300/- in cash and snatched a gold earring worth Rs. 70,000/-. The injury report annexed with the case diary shows that injuries of informant denoted by the doctor is grievous in nature caused by sharp edged weapon. Further, there is no specific allegation of assault against this petitioner except of punching on the face of informant's wife and stealing golden earring and other allegations are general and omnibus in nature. It appears that, there is land dispute between the parties and the informant and petitioner are neighbors as well as diyads. Petitioner has criminal antecedent of one case vide Bihra P.S. Case No. 297/2025 u/s- 326B, 352, 323 BNS. Beside it petitioner is in judicial custody since 24.05.2026.

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Having gone through the above discussions and considering the facts and circumstances of the case and also keeping in view the period of custody of the accused-person as well as there is no direct and specific allegation of assault on the vital part of the injured against him, on these grounds, it is justiciable to enlarge the accused-petitioner **namely, Chandeshwar Mukhiya** on bail on his furnishing bail bond of **Rs. 10,000/-** with two sureties of like amount each out of whom **one bailor must be close relative with direction to be physically present till framing of charge & make proper pairvi till the disposal of this case, failing which the bail bond of petitioner may be cancelled on the same day.**

Dictated & corrected by me
Sd/-

Distt. & Addl. Sessions Judge-II,
Saharsa. Dated : 20.06.2026