

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4686 of 2025

Arising Out of PS. Case No.-347 Year-2024 Thana- PAHARPUR District- East Champaran

Dip Narayan Mahto @ Dip Narayan Chauhan S/O Rajdeo Mahto Resident of
Village - Bhaja Chhapar, P.S- Paharpur, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 19-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner seeks bail in connection with
Paharpur P.S. Case No. 347 of 2024 registered for the offences
punishable under Sections 126(2), 115(2), 118(1), 118(2), 109,
303(2), 352 and 3(5) of the B.N.S.

3. As per prosecution case, petitioner and others
are said to have started constructing hut in order to obstruct the
entry from the roadside and when the same was protested, it is
alleged that petitioner gave Farsa blow on the head of the
informant, as a result of which he sustained injury.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has not committed any offence as
alleged in the first information report. He has been falsely
implicated in this case. There is case and counter case between



the parties for the same date of occurrence. Learned counsel submits that there is land dispute with regard to construction of hut. In the light of the aforesaid facts and circumstances, land dispute between both the parties cannot be outrightly rejected. Learned counsel submits that in the cases of land dispute, facts are generally exaggerated to make the offence graver. It is further submitted that petitioner is said to have assaulted the informant by means of sharp cutting weapon, however the injury report, as contained in Annexure-4(series) to the supplementary affidavit, indicates that injury has been caused by hard and blunt object, which falsifies the prosecution story. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of one case. Petitioner is in custody since 18.09.2024.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner. He submits that there is direct allegation against the petitioner who is said to have assaulted the informant by means of sharp cutting weapon, and therefore, petitioner does not deserve to be granted bail.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the



case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and taking into consideration the material available on the record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate XI, East Champaran, Motihari in connection with Paharpur P.S. Case No. 347 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

mcverma/-

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

