

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5481 of 2025

Arising Out of PS. Case No.-400 Year-2020 Thana- SUGAULI District- East Champaran

Lallu Mahto Son of Late Veerakash Mahto Resident of Vill- Begiya Tola
Fulwariya, Ward No. 3, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar II, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 12-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sugauli P.S. Case No. 400 of 2020, registered for the offences under Sections 147, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code.

3. As per the prosecution case, petitioner and other co-accused persons surrounded the brother of the informant and on order being given by the petitioner, co-accused Yogeshwar Mahto assaulted the brother of the informant with sword. Co-accused Akhilesh Mahto struck twice with sword. The petitioner gave a knife blow in the abdomen of the brother of the informant. Further co-accused Dwarika Mahto gave a sword blow to the brother of the informant who fell down and became



unconscious. The assailants also assaulted other family members of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is an agnate of co-accused Dwarika Mahto who is having land dispute with the informant and for this reason the informant has intentionally implicated the petitioner in this case. Earlier Sugauli P.S. Case No. 394 of 2020 was lodged by co-accused Dwarika Mahto against the informant and other persons for occurrence dated 08.08.2020 on 09.08.2020, in retaliation thereof the present FIR has been lodged on 11.08.2020. There is no explanation for delay of four days in lodging the FIR. Learned counsel further submits that the injuries of the victim are simple in nature and similarly situated co-accused persons have been granted regular as well as anticipatory bail by co-ordinate Bench of this Court. Co-accused Sanjay Mahto has been granted bail by a Co-ordinate Bench of this Court vide order dated 21.12.2021 passed in Criminal Miscellaneous No. 21231 of 2021. The petitioner is in custody since 03.10.2024 and he has antecedent of three cases but all cases have been lodged by the informant side due to land dispute between the parties. Charge sheet has been submitted



against the petitioner.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that there is specific allegation against the petitioner that he has given order and thereafter also assaulted the victim.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the injury report of the victim Nandu Mahto which shows mostly simple injuries and also considering delay in lodging the FIR and further considering the period of custody of the petitioner and submission of charge sheet against him, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari/concerned court, in connection with Sugauli P.S. Case No. 400 of 2020, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial



court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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