

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17835 of 2025

Arising Out of PS. Case No.-109 Year-2024 Thana- PALANWA District- East Champaran

Rajesh Mahato Son Of Late Jagat Mahato Resident Of Village - Kharkatwa,
P.S.- Palanwa, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-03-2025 Heard Mr. Sharda Nand Mishra, learned counsel
appearing on behalf of the petitioner and Mr. Akbar Ali, learned
APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Palanwa P.S. Case No. 109 of 2024 registered under
Sections 126(2), 115(2), 118(1), 117, 76, 109, 303(2), 352,
351(2) and 3(5) of the B.N.S. of 2023.

3. As per the allegation made in the FIR, the
petitioner, along with other accused, assaulted the informant and
her family members, as a result of which, they sustained



injuries. Specific allegation against the petitioner is that he has assaulted the informant by means of *farsa*.

4. Learned counsel appearing on behalf of the petitioner submitted that specific allegation against the petitioner is that he had assaulted the informant by means of *farsa* and the informant sustained injury, however, the allegation against the petitioner cannot be sustained in view of the fact that there is case and counter case between the parties, arising out of same incidence, for which Palanwa P.S. Case no.111 of 2024 was lodged by the petitioner's side, in which, husband of one co-accused Kalawati Devi, died and said Kalawati Devi has been released on bail by this Court vide order dated 12.02.2025 passed in Cr. Misc. 3661 of 2025. Learned counsel further submitted that the petitioner, in his self-defense, may have caused some injury on the person of the informant without intention and the injury is not grievous in nature. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that the petitioner had assaulted on the vital part of the body of the informant and injury has not been verified, as would appear



from the impugned order, as to whether, the same is grievous or simple in nature.

6. Having perused the FIR, as well as, the fact that there is a case and counter case between the parties, arising out of the same incidence, in which the husband of one co-accused Kalawati Devi died, which shows that there was free fight and in the same course of incidence, the petitioner may have caused some injuries on the person of the informant, which may be without intention and the petitioner is having clean antecedent, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned S.D.J.M., East Champaran, Motihari in connection with Palanwa P.S. Case No. 109 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S. of 2023.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in



paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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