

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19759 of 2025**

Arising Out of PS. Case No.-365 Year-2024 Thana- SONBERSA District- Sitamarhi

1. Rambabu Mahto S/o- Late Yogendra Mahto
  2. Jagarnath Mahto S/o- Late Yogendra Mahto
  3. Ram Niwas Mahto S/o- Ram Naresh Mahto
  4. Raj Kumar Mahto S/o- Late Yogendra Mahto
- All are R/o Village- Musharniya Ps- Sonbarsa Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Uday Kumar, Advocate  
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      30-07-2025                      Heard Mr.Uday Kumar, learned counsel for the petitioners and Mr.Jagdhar Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sonbarsa P.S.Case No.365 of 2024, FIR dated 19.11.2024 registered for the offences punishable under Sections 126(2), 115, 118(1), 117, 109, 76, 303(2), 352, 351(3), 3(5) of the B.N.S.

3. According to prosecution case, all the accused persons including the petitioners variously armed with dabiya, axe, lathi, danda, iron rod, farsa came and entered into the house of the informant and assaulted to the informant and her family



members.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. It appears from the FIR itself that due to some petty dispute, the present occurrence has taken place. There is case and counter case. Although the petitioners are named in the FIR and specific allegation against the petitioners is that they assaulted to the informant and her family members but there is no injury report available on the record which suggests that the petitioners have assaulted to any person. Although there is injury report is available on the record which suggests that some family members of the informant have received the injury. Learned counsel for the petitioners submits that both sides have received the injury.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is case and counter case and both sides have received the injury, let the petitioners, above named, in the



event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sitamarhi in connection with Sonbarsa P.S.Case No.365 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS,2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

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

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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