

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19412 of 2025

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

1. Ram Prawesh Mahto S/O Late Siyaram Mahto R/O Vill.- Musharniya, P.S.- Sonbarsa, Dist.- Sitamarhi.
2. Sain Mahto S/O Ram Naresh Mahto R/O Vill.- Musharniya, P.S.- Sonbarsa, Dist.- Sitamarhi.
3. Ram Kripal Mahto S/O Late Siyaram Mahto R/O Vill.- Musharniya, P.S.- 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. Rabindra Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-04-2025 Heard Learned Counsel for the petitioners and

Learned APP for the State.

2. The present Cr. Misc. Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehends their arrest in connection with Sonbarsa P.S. Case No. 365 of 2024 lodged on 19.11.2024, for the offence punishable under Sections 126(2), 115, 118(1), 117, 109, 76, 303(2), 352, 351(3) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS, 2023").

3. As per the prosecution, FIR has been lodged against



13 named accused persons including the present petitioners. From the FIR, it transpires that the cause of dispute between the parties is fall of leaf on the roof of the informant. And in result, scuffling took place between the parties due to which injury has been caused to different persons.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that for the same date and place of occurrence, there is case and counter case i.e. one case has been lodged from the petitioners' side bearing Sonbarsa P.S. Case No. 371 of 2024 and the present case has been lodged from the informant's side bearing Sonbarsa P.S. Case No. 365 of 2024. Counsel further submits that the petitioners have no criminal antecedent. Counsel submits that as per the FIR, Tapeswar Mahto and Govind Kumar were brutally injured. Counsel submits that there is specific averment made in paragraph no.11 of the bail application that the injured person who has received grievous injury on their vital part of the body are not either Tapeswar Mahto or Govind Kumar. Counsel submits that the scuffling took place from both the sides and both parties received injury. Counsel further submits that both parties are adjacent neighbour and they are well known to each other and



none of them are criminals, rather, at the spur of moment and under immediate anger, they started abusing each other and scuffling took place.

5. Learned APP for the State opposes the prayer for bail of the petitioners but submits that from Annexure-P/2, it transpires that for the same date and place of occurrence, there is case and counter case.

6. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Judicial Magistrate 1st Class, Sitamarhi, in connection with Sonbarsa P.S. Case No. 365 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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