

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22788 of 2025

Arising Out of PS. Case No.-376 Year-2024 Thana- BANJARIA District- East Champaran

1. Chitan Mahto S/O Bijli Mahto @ Bigal Mahto R/O Vill.- Beladih,
P.S.- Banjariya, Dist.- East Champaran
2. Birendra Mahto @ Virendra Mahto S/O Chitan Mahto R/O Vill.-
Beladih, P.S.- Banjariya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioners and

learned APP for the State.

2. Petitioners are in custody in a case registered
for an offence punishable under Sections 126(2), 115(2),
109, 352, 3(5) of B.N.S in connection with Banjariya P.S.
Case No. 376 of 2024.

3. As per the prosecution story, informant gave
his written statement before the S.H.O, Banjariya Police
Station that at about 09:00 o' clock, petitioners along with
other co-accused person went to the bamboo orchard for
cutting the bamboos when informant along with his son
went there to stop them then the petitioners with other co-



accused persons started abusing the informant and his son and also gave a *Garasi* blow after which informant called to 112, thereafter, his son was taken to the hospital for treatment. It is also alleged that petitioner no.2 has also snatched a gold chain from his son and kept it in his pocket.

4. Learned counsel for the petitioners submits that petitioner are quite innocent and they have falsely been implicated in this case. He further submits that there is no any specific allegation against the petitioner rather there is general and omnibus allegation against them. Petitioners are in custody since 24.11.2024. He further submits that allegation as levelled against both the petitioners are false and fabricated. He further submits that there is case and counter case between the parties. He further submits that from perusal of the impugned order it appears that injuries sustained by the injured person is (1). abrasion on forearm (Lt. Hand between middle finger and index ring finger) (2). abrasion head (medially on parietal bone) and nature of the injury is grievous which has been caused by hard and blunt substance. He further submits that both petitioners have got no criminal antecedent as stated in paragraph - 3 of the



bail petition.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, submission of the learned counsel for the petitioners as well as the fact that petitioners have got no criminal antecedent as stated in para-3 of the bail petition, let the above named petitioners be released on bail, on their furnishing bail bonds of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, East Champaran, Motihari, in connection with Banjariya P.S. Case No.376 of 2024.

(Ramesh Chand Malviya, J)

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