

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21499 of 2025

Arising Out of PS. Case No.-243 Year-2024 Thana- KURSAILA District- Katihar

1. Uttam Mahto S/o- Bigan Mahto @ Bighan Mahto @ Bidhan Mahto
Resident of village- Gobrahi Diyara PS- Kursela District-Katihar
2. Jitendra Mahto @ Jitondra Mahto S/o- Uttam Mahto Resident of village-
Gobrahi Diyara PS- Kursela District-Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-04-2025 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Kursela P.S. Case No. 243 of 2024 dated 23.12.2024 registered under Sections 116(b), 115(2), 126(2), 109, 118(1), 303(2), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita 2023.

3. As per the first information report on 22.12.2024 in the morning the petitioners along with other accused persons arrived at the field of the informant and started abusing. When protested, the petitioner no. 1 assaulted the informant by lathi and the petitioner no. 2 assaulted with spade on his head. The co-accused Golu Kumar Mahto snatched Rs. 5,000/- from the pocket of the informant.



4. Learned counsel for the petitioners submits that the informant and the petitioners are co-villagers and occurrence has taken place due to dispute regarding land. A counter case has been lodged by the side of the petitioners bearing Kursela P.S. Case No. 244 / 2024 lodged by the petitioner no. 2 for an occurrence which has taken place on the same date and time. Referring to the injury report, learned counsel submits that injury sustained by the informant is simple in nature caused by hard and blunt substance whereas allegation against the petitioner no. 2 is that he assaulted the informant by means of spade, which is a sharp cutting object.

5. Learned counsel for the state submits that there is specific allegation of assault against the petitioners and the victim was referred for C.T. Scan.

6. In reply, learned counsel for the petitioners submits that C.T. Scan report has been received as referred in the injury report in which no any bony lesion has been found.

7. Regard being had to the submission made by the parties, taking into consideration the fact that both the parties are co-villagers having land dispute, case and counter case is there, injury caused to the informant is simple in nature accordingly I am inclined to grant anticipatory bail to the petitioners.



8. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in connection with Kursela P.S. Case No. 243 of 2024 subject to the condition as laid down under Section 482 (2) of the B.N.S.S.

(Anil Kumar Sinha, J)

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