

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24612 of 2025

Arising Out of PS. Case No.-370 Year-2024 Thana- DUMRA District- Sitamarhi

1. Amar Mahto, S/o Late Shivnath Mahto, Resident Of Village- Lagma, Ps- Dumra, Distt.- Sitamarhi
2. Manjhi Mahto, S/o Neva Mahto, Resident Of Village- Lagma, Ps- Dumra, Distt.- Sitamarhi
3. Pragash Mahto, S/o Satyanarayan Mahto, Resident Of Village- Lagma, Ps- Dumra, Distt.- Sitamarhi
4. Bhoota Mahto, S/o Late Ram Chandra Mahto, Resident Of Village- Lagma, Ps- Dumra, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-05-2025 Heard learned Advocate appearing on behalf of the petitioners, the learned Additional Public Prosecutor for the State and the learned Advocate for the informant.

2. The petitioners apprehend their arrest in connection with Dumra P.S. Case No. 370 of 2024, registered for the offences punishable under Sections 127(1), 115(2), 118(1), 109, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3. The allegation against the petitioners is of assaulting the informant and his family members by means of *lathi*, *danda* and iron rod. It is specifically alleged that on the



fateful day, while co-accused Nitish Kumar was trying to molest the minor daughter of the informant, she raised a screaming, whereupon all the family members reached there and caught hold the accused; thereupon, all the accused persons including the petitioners brutally assaulted the informant and his family members, leading to serious injuries.

4. Learned Advocate appearing on behalf of the petitioner referring to the FIR contended that so far the specific allegation of causing sword blow is concerned, the same is attributed to co-accused Pappu Mahto and the allegation of molesting is levelled against Nitish Kumar, who are not before this Court. It is further contended that the impugned order clearly disclosed that the injuries sustained to the informant and his family members are simple in nature, caused by hard and blunt object. Moreover, the petitioners bear fair antecedent and the occurrence took place on account of a trifle but given a different colour.

5. On the other hand, learned Advocate for the State and the informant opposed the pre-arrest bail application and submits that apart from active participation, they have caused injuries to the informant and his family members.

6. Regard being had to the submissions made on



behalf of the parties and considering the nature of injuries and the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned District and Sessions Judge – 1st, Sitamarhi in connection with Dumra P.S. Case No. 370 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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