

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33891 of 2025

Arising Out of PS. Case No.-352 Year-2024 Thana- PANAPUR District- Saran

1. Santosh Mahto @ Bhola @ Santosh Kumar @ Bhola Kumar Mahto @ Bhola Mahto S/o Dinanath Mahto Resident of Methaura, P.S. Panapur, Dist.- Saran
2. Dinanath Mahto S/o Late Surya Mahto R/o Methaura, P.s.- Panapur, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kant, Adv
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-05-2025 Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners make a prayer for grant of regular bail in a case registered for the offences punishable under Sections 126(2), 115(2), 109, 118(1), 302, 03(1), 3/5 of the BNSS Act.

3. The allegation in the FIR is that the accused persons being ten in number came variously armed to the house of the informant due to land dispute and indulged in hurling abuses and assault. It is alleged that accused Santosh Mahto, petitioner no. 1 assaulted the informant by means of an axe on the head of the informant due to which he got badly injured. It is further



alleged that when the informant's son Abhishek Kumar and his wife intervened in the matter, Santosh Mahto, petitioner no. 1 and Dinanath Mahto, petitioner no. 2 caught hold the deceased Abhishek Kumar, while accused Niraj Kumar assaulted Abhishek Kumar on his head by means of rod with chain causing serious injury to him. The son of the informant was taken to the Primary Health Center for treatment, where he was declared dead.

4. Learned counsel for the petitioner submits that it would be apparent from the FIR itself, that the entire incident emanated out of land dispute for which a *panchayati* had also been held and the parties are *Patidars*. It has also been submitted that there is case and counter case with regard to the same incident and Annexure-3 has been brought on record which is the FIR filed by the petitioner no. 1 Santosh Kumar against the informant and others. Further, it has also been submitted that in the said incident the petitioner no. 1 suffered injuries on the parietal region and out of two injury suffered, one was simple in nature while the other has been opined by the doctor to be grievous in nature. The petitioner no. 2 has also suffered injuries in the said incident and the injury report of both the petitioners have been brought on record by way of Annexure-4 series to this petition. It has also been submitted



that the allegation attributed to the petitioner no. 1 is of assaulting the informant and the injury report of the informant Bijli Mahto (Annexure-2) would show that he has sustained simple injury and the main allegation of assaulting the deceased is not attributable to these petitioners.

5. Learned counsel appearing for the informant however, vehemently opposes the grant of bail to the petitioner on the ground that it is these petitioners, who have not only assaulted the informant but also facilitated the assault upon the son of the informant, who subsequently died.

6. Considering the rival contentions of the parties and also considering that the parties are *patidars* having civil dispute in the background and there is case and counter case in which the petitioners have also suffered serious injuries, and further considering that the the petitioners having no criminal antecedent, are in custody since 16.11.2024, let the above named petitioners be enlarged on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Panapur P.S. Case No. 352 of 2024.

7. It is however directed that the petitioners shall co-



operate in the trial and shall physically remain present on each and every date fixed by the trial court till framing of charge. In case of default in such appearance on two consecutive dates, without sufficient reasons, the trial court shall have liberty to cancel the bail bonds of the petitioners.

(Soni Shrivastava, J)

N.K/-

U		T	
---	--	---	--

