

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42619 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- HARSIDHI District- East Champaran

Kanhaiya Mahto S/O Late Budhan Mahto R/o village- Matiyriya Sairya
Khudur, P.S.- Harsidhi, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 14-07-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in a case instituted for the offence punishable under Sections 191(1), 191(2), 190, 115(2), 126, 109, 76, 303, 333, 329(3), 352, 351(2), 62 of BNS and Section 3,4 of *Diaan* Act.

3. The prosecution case, in brief, is that while the complainant was feeding her cattle, the petitioner along with other co-accused persons arrived at the spot and allegedly addressed her in an abusive and derogatory manner by calling her '*Diaan*'. It is further alleged that the petitioner and co-



accused Panna Lal Mahto outraged the modesty of the complainant by tearing her clothes. When her husband attempted to intervene, he was allegedly assaulted by the accused persons. It is also alleged that when the complainant's son tried to rescue them, the petitioner assaulted him with an iron rod, causing head injuries. Furthermore, it is alleged that the accused persons snatched the complainant's *Mangalsutra*.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that both parties are agnates and are involved in a long-standing land dispute, giving rise to case and counter-case between them. It is further submitted that there is considerable and unexplained delay in lodging the F.I.R., which casts doubt on the veracity of the allegations. From perusal of the impugned order, it appears that the injury report of the injured person (son of the complainant) is not available on the record. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal



antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Harsidhi P.S. Case no. 55 of 2025, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

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