

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44549 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- MADHEPUR District- Madhubani

1. Raj Kumar Mahto son of Lalan Prasad Mahto @ Lalan Kumar @ Lalan Mahto village- Babujivan, Ps- Madhepur, Dist- Madhubani
2. Lalan Prasad Mahto @ Lalan Kumar @ Lalan Mahto son of Late Ganesh mahto village- Babujivan, Ps- Madhepur, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-07-2025 Heard Mr. Baleshwar Kamat, learned counsel for

the petitioner and the State.

2. The petitioners are apprehending their arrest in connection with Madhepur P.S. Case No. 44 of 2025 for the offence under sections 126(2), 115(2), 109, 352, 351(2) and 3(5) of the B.N.S. lodged on 13.03.2025 by the informant, Kiran Devi.

3. As per the prosecution story, the informant alleged that as she was sweeping her door, the two petitioners came there and started abusing her. Upon her objection, petitioner no. 1, Raj Kumar Mahto hit her on the head causing injury. The locals came whereafter she was saved and FIR



lodged.

4. Learned counsel for the petitioners submit that minor dispute has led to the present case, there is case and counter-case, the injury has been found to be simple in nature, both the petitioners have no criminal antecedent and the last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant's side has alleged injuries, the petitioners on their own would like to contribute Rs. 5,000/- each (totalling Rs. 10,000/-) towards the medical assistance of the injured through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer submitting that allegation of assault is on petitioner no. 1, Raj Kumar Mahto.

6. Taking into account the submissions of the parties as also that injury has been found to be simple in nature, there is case and counter-case, they have no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 5,000/- each (totalling Rs. 10,000/-) as



undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court to be handed over to the petitioner.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-III, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No. 44 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at
liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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