

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48767 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- SANICHARI District- West Champaran

1. Dayanand Mahto S/o Harihar Mahto Resident of Village- Dularpatti, ward No 01, PS- Shanichari, Distt.- West Champaran
2. Bidyanand Mahto S/o Harihar Mahto Resident of Village- Dularpatti, ward No 01, PS- Shanichari, Distt.- West Champaran
3. Rajesh Mahto @ Rajesh Prasad S/o Bidyanand Mahto Resident of Village- Dularpatti, ward No 01, PS- Shanichari, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Sanjeev Kumar Shrivastava, Advocate
For the State	:	Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-08-2025 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

2. At the outset, learned counsel appearing on behalf of the petitioners seeks permission to withdraw this anticipatory bail application on behalf of Petitioner No. 2, namely Bidyanand Mahto, as during pendency of this case, Petitioner No. 2 has already been arrested and the same has become infructuous.

3. Permission, as prayed for, is accorded.

4. Accordingly, this anticipatory bail application with regard to Petitioner No. 2 stands dismissed as withdrawn.



5. Petitioner Nos. 1 and 3 apprehend their arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 118(1), 109(1), 191(3) and 190 of the B.N.S..

6. As per prosecution case, it is alleged that on 16.03.2025, all the accused persons, including these petitioners, variously armed, came at the land of informant and Petitioner No. 1 assaulted on the head of informant with iron rod.

7. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. As a matter of fact, both parties are *Gotiyas* and on the alleged date and time of occurrence, over a petty dispute, *maar-peet* took place in which both sides sustained injuries for which son of Petitioner No. 1 lodged a case bearing Shanichari P.S. Case No. 20 of 2023, earlier in point of time, against informant and others and in retaliation, only with a view to save their skin from the aforesaid case, this false and concocted case has been lodged. As per F.I.R., Petitioner No. 1 is alleged to have assaulted on the head of informant with iron rod and there is absolutely no allegation of assault against Petitioner No. 3. Doctor has opined the injuries, sustained by the informant, as simple in nature.

8. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of anticipatory bail to the petitioners.

9. Considering the facts and circumstances of the case, case and counter-case between the parties and nature of injuries sustained by the injured, the prayer for grant of anticipatory bail to Petitioner Nos. 1 and 3 is allowed.

10. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner Nos. 1 and 3 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shanichari P.S. Case No. 21 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

11. With the aforesaid directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

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