

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49972 of 2025

Arising Out of PS. Case No.-98 Year-2025 Thana- KHUSRUPUR District- Patna

1. Bhola Mahto, Son of Bali Mahto @ Ram Bali Mahto, Resident of village-Banstal Chouraha, Bind Toli, Police Station- Khushrupur, District- Patna
2. Raja Mahto, Son of Bali Mahto @ Ram Bali Mahto, Resident of village-Banstal Chouraha, Bind Toli, Police Station- Khushrupur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Khushrupur P.S. Case No. 98 of 2025 registered for the offences punishable under Sections 115(2), 118/117(2), 109/126(2), 352/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly on the fateful day, all the F.I.R. named accused persons, including the petitioners, entered into the house of the informant and assaulted the informant's old aged father-in-law on the accusation of Witch Craft. It is further alleged that when the informant's husband and elder brother-in-law attempted to rescue her father-in-law, the accused persons,



including the petitioners, hold up the informant's husband and assaulted him by means of Iron rod on his head, due to which he sustained serious injuries. There is further allegation of throwing bricks and stones over the other persons.

4. Learned Advocate for the petitioners submitted that in fact on account of some dispute, both the parties have entered into a scuffle, which led to injuries to persons of both the sides and for the said reason, petitioner no.1 also filed Complaint Case, bearing Complaint Case No. 377 of 2025. It is further contended that the injury, which is allegedly attributed against the petitioners that has been found simple in nature. To support the aforesaid contention, the injury report of Shrawan Mahto has been placed on record. He further contended that even if the allegation is taken to be true, no case is made out under Section 109 of the BNS. The petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the injured has sustained two injuries over his head, which, prima facie, corroborated the allegation.

6. Having considered the submissions set forth by the



learned Advocate for the respective parties and taking note of the nature of injuries, coupled with the case and counter case, as also the fair antecedent of the petitioners, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna City, Patna in connection with Khushrupur P.S. Case No. 98 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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