

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55838 of 2025**

Arising Out of PS. Case No.-104 Year-2025 Thana- HARSIDHI District- East Champaran

1. Subhash Mahato S/o Ram Ayodhya Mahto R/o vill - Dhankhariya Ranjita, P.s.- Harsidhi, Distt.- East Champaran
2. Dipak Kumar @ Deepak Kumar S/o Dhrup Mahto R/o vill - Dhankhariya Ranjita, P.s.- Harsidhi, Distt.- East Champaran
3. Mithun Kumar S/o Dhrup Mahto R/o vill - Dhankhariya Ranjita, P.s.- Harsidhi, Distt.- East Champaran
4. Jhunna Kumar @ Jhunna Mahato S/o Dhrup Mahto R/o vill - Dhankhariya Ranjita, P.s.- Harsidhi, Distt.- East Champaran
5. Arvind Mahto @ Ravindra Mahato s/o Late Radhe Mahto R/o vill - Dhankhariya Ranjita, P.s.- Harsidhi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                                  |
|----------------------------|----------------------------------|
| For the Petitioner/s :     | Mr. Sunil Kumar No. III          |
| For the Opposite Party/s : | Mr. Jitendra Kumar Singh, APP    |
| For the Informant :        | Mr. Ranjana Srivastava, Advocate |
|                            | Mrs. Khusboo Kumari, Advocate    |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      08-09-2025                      At the outset, learned counsel for the petitioners submit that he may be permitted to withdraw the relief sought for so far as petitioner no. 1, Subhash Mahato, petitioner no. 3, Mithun Kumar as well as petitioner no. 4, Jhunna Kumar @ Jhunna Mahato are concerned.

2. Permission accorded.

3. The anticipatory bail application so far as the petitioner no. 1, Subhash Mahato, petitioner no. 3, Mithun Kumar as well as petitioner no. 4, Jhunna Kumar @ Jhunna



Mahato are concerned, stands dismissed as withdrawn.

4. Heard Mr. Sunil Kumar No. III, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP.

5. The petitioners are apprehending their arrest in connection with Harsidhi P.S. Case No. 104 of 2025 for the offence under sections 115(2), 117(2), 126, 109, 352, 351, 76 and 3(5) of the B.N.S. lodged on 21.02.2025 by the informant, Chinta Kumari.

6. As per the prosecution story, the informant alleged that when she was at her house, the named accused persons came, armed variously and started assaulting on the point of fixing of hut at the door of the informant. Allegation against Subhash Mahto and Chanda Mahto is/are of assaulting her with '*farsa*' on the head. The further allegation is that when her mother, Pavdhari Devi came to rescue, Munna Mahato, Ram Vilash Mahto and Vikash Mahato assaulted her with iron rod which led to the fracture of the skull.

7. The allegation goes further inasmuch as the assault is on the brother, Arun Kumar Mahato, niece, Rubi Kumari by the accused persons named in the FIR. As the villagers reached, the injured were shifted to Motihari Sadar Hospital and then the mother was taken to PMCH, Patna. This led to the FIR. As per



the information, the mother succumbed to the injuries later and as such, appropriate sections of the BNS added.

8. Learned counsel for the petitioners submit that so far as the petitioner no. 2, Dipak Kumar @ Deepak Kumar and petitioner no. 5 namely Arvind Mahto @ Ravindra Mahato are concerned, they have no criminal antecedent, were not at the place of occurrence, only because they belong to the family, presence has been recorded and omnibus allegation has been made.

9. Learned APP opposes the prayer submitting that though the main allegation is against petitioner no. 1, Subhash Mahato, petitioner no. 3, Mithun Kumar as well as petitioner no. 4, Jhunna Kumar @ Jhunna Mahato, omnibus allegation is against all the named accused persons.

10. Taking into account the submissions of the parties as also the fact that main role has been attributed to petitioner no. 1, Subhash Mahato, petitioner no. 3, Mithun Kumar as well as petitioner no. 4, Jhunna Kumar @ Jhunna Mahato, petitioner no. 2, Dipak Kumar @ Deepak Kumar and petitioner no. 5, Arvind Mahto @ Ravindra Mahato have no criminal antecedent, contention is that they were not present at the place of occurrence, in that background, this Court is inclined to extend



them the privilege of anticipatory bail with conditions.

11. Let the petitioner no. 2, Dipak Kumar @ Deepak Kumar and petitioner no. 5, Arvind Mahto @ Ravindra Mahato 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 Judicial Magistrate, 1<sup>st</sup> Class, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 104 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 petitioner no. 2, Dipak Kumar @ Deepak Kumar and petitioner no. 5, Arvind Mahto @ Ravindra Mahato who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 2, Dipak Kumar @ Deepak Kumar and petitioner no. 5, Arvind Mahto @ Ravindra Mahato 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 petitioner no. 2, Dipak Kumar @ Deepak Kumar and petitioner no. 5, Arvind Mahto @ Ravindra Mahato



shall appear before the concerned police station every fortnight for next six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;;

(iv) the petitioner no. 2, Dipak Kumar @ Deepak Kumar and petitioner no. 5, Arvind Mahto @ Ravindra Mahato 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 petitioner no. 2, Dipak Kumar @ Deepak Kumar and petitioner no. 5, Arvind Mahto @ Ravindra Mahato 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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