

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50312 of 2025

Arising Out of PS. Case No.-107 Year-2025 Thana- BANIAPUR District- Saran

1. Harendra Mahto S/O Late Sukhdeo Mahto, R/O Village- Berui, P.S.- Baniyapur, Dist.- Saran at Chapra
2. Smt Indra Devi W/O Harendra Mahto, R/O Village- Berui, P.S.- Baniyapur, Dist.- Saran at Chapra
3. Sanny Kumari @ Sany Kumari D/O Harendra Mahto, R/O Village- Berui, P.S.- Baniyapur, Dist.- Saran at Chapra
4. Prabha Kumari D/O Harendra Mahto, R/O Village- Berui, P.S.- Baniyapur, Dist.- Saran at Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-11-2025 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. At the outset, learned Advocate for the petitioners seeks permission to withdraw the present application with respect to petitioners no.1 and 2.

3. Permission is accorded.

4. Petitioners no.3 and 4 are apprehending their arrest in connection with Baniyapur P.S. Case No.107 of 2025 registered for the offences punishable under Sections 127(1), 115(2), 118(1), 117(2), 109, 351(2) 352 and 3(5) of the BNS,



2023.

5. On account of land dispute, all the FIR named accused persons, including the petitioners assaulted the informant and others by means of iron rod and *danda*. It is specifically alleged that when the family members of the informant came to his rescue, co-accused Bharat Mahto and Shatrudhan Mahto assaulted Lalita Devi by means of *dabiya*, due to which she sustained serious injury.

6. Learned Advocate for the petitioners contended that there is omnibus nature of allegation against all the FIR named accused persons. So far the injury sustained over the head of Lalita Devi is concerned, the same has been attributed to co-accused Bharat Mahto and Shatrudhan Mahto, who are not before this Court. Moreover, all the injuries have been found to be simple in nature. To support the aforesaid contention, the injury report has been placed on record as Annexure-2 series to the bail application. It is further contended that there is a counter version of the present case, being Baniyapur P.S. Case No.106 of 2025. All the more, land dispute is also manifest in view of pending Title Suit No.504 of 2024. The petitioners bear fair antecedent and they undertake that they will fully cooperate in the proceeding of the Court.



7. On the other hand, learned Advocate for the State vehemently opposed the bail application.

8. Having considered the submissions set forth by the learned Advocate for the respective parties and considering the omnibus nature of allegation, coupled with the simple nature of injuries as well as case and counter case and the pending land dispute, besides the fair antecedent of the petitioners, let the above named **petitioners no.3 and 4** be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Saran at Chapra in connection with Baniyapur P.S. Case No.107 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

