

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56898 of 2025**

Arising Out of PS. Case No.-91 Year-2025 Thana- BARHARA District- Bhojpur

Krishna Kumar @ Krishna Mahto S/o Shobhi Mahato R/o vill - Kaji Chak,  
P.s.- Barahara, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Priya, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

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

ORAL ORDER

2      27-08-2025                      Heard Ms. Priya learned Counsel for the petitioner  
and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Barhara P.S. Case No. 91 of 2025 for the offence registered under sections 126(2), 115(2), 118(1), 109, 118(1), 352, 351(2), 303(2), 3(5) of BNS, 2023 lodged on 05.05.2025 by the informant, Sita Kunwar.

3. The allegation in the FIR is that while the informant was at her home, the accused persons armed variously came and assaulted her. As she ran to save herself and Munna Rai and Arjun Rai came to her rescue, allegation is that Maharaja Mahto assaulted Arjun Rai causing injury on the head while Krishna Mahto (petitioner herein) assaulted Munna Rai by *garashi* causing injuries on the left hand. Shila Devi, Maya



Kumari and wife of Maharaja Mahto also thrashed her and took away silver ornaments and utensils. This led to the FIR.

4. Learned Counsel for the petitioner submits that though allegation of assault on Munna Rai has been attributed to this petitioner, the learned Sessions Judge order would show that it has been found to be simple in nature. This petitioner has no criminal antecedent and without accepting the allegation and/or the outcome of the present petition, the petitioner on its own would like to contribute Rs. 10,000/- 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 Munna Rai after checking the credentials.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that allegation is of assaulting on the left hand by *garashi* attributed to this petitioner.

6. Considering the submissions of the parties as also the fact that though allegation is there, injury has been found to be simple in nature, the petitioner has no criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 10,000/- to Munna Rai 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.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara P.S. Case No. 91 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate to be submitted to the Court;

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

**(Rajiv Roy, J)**

Vijay Singh/-

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