

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53364 of 2025

Arising Out of PS. Case No.-240 Year-2024 Thana- RAMPUR HARI District- Muzaffarpur

1. Mahesh Mahato S/o Late Niti Mahato @ Neti Mahato R/o Village- Narma, Dhanushi, P.S.- Rampurhari, District- Muzaffarpur
2. Suresh Mahto S/o Niti Mahato @ Neti Mahato R/o Village- Narma, Dhanushi, P.S.- Rampurhari, District- Muzaffarpur
3. Mohan Kumar @ Chhotu Mahato S/o Vimaresh Mahto R/o Village- Narma, Dhanushi, P.S.- Rampurhari, District- Muzaffarpur
4. Deepak Kumar @ Deepak Mahato S/o Mahesh Mahato R/o Village- Narma, Dhanushi, P.S.- Rampurhari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yugal Kishore
For the Opposite Party/s :	Mr. Jharkhandi Upadhyay- A.P.P.
	Mr. Surendra Kishore Thakur
	Mr. Subodh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2025 1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 191(1), 191(3), 126(2), 118(1), 117(2), 109, 303(2), 74, 352, 351(2)(3) of the BNS and Sections 3 and 4 of the Dyne Act.

3. The learned counsel for the petitioners submits that the petitioners have antecedent of two cases, but then, one case



was instituted by the side of the present informant. It is next submitted that the informant alleges that accused persons came variously armed and Akhilesh dashed his wife on ground on pretext of Witch and made her half naked. Further, Pawan pointed gun at him while Akhilesh assaulted by farsa causing injury on head., thereafter, all accused assaulted. It is next alleged that Vimlesh assaulted Nanki by sword causing injury on head. Further, other accused snatched chain of Nanki worth Rs.50,000/-, thereafter Deepak assaulted Ganga by an iron rod causing injury on head and Sunita assaulted Ganga by rod causing fracture of hand. Further, Mahesh and Suresh assaulted Shivji by an iron rod causing injury on head, the police was informed and injured were taken to hospital.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that on account of dispute relating to land, an altercation had taken place in which both sides assaulted each other. It is also submitted that in connection with land dispute, BLDR Case No.25 of 2024-25 between the parties is pending adjudication before the DCLR, East Muzaffarpur. Further, Nanki instituted T. S. No.954 of 2024 against the petitioner which is also pending adjudication in a



Court of competent Civil jurisdiction. It is further submitted that before the learned District Court a plea was taken that Section 109 B.N.S. is not made out in the nature of injury suffered by the injured, but then, the said submission was not taken into consideration and the anticipatory bail application of the petitioners was rejected. It is also submitted that impugned order though records that injured suffered injury, but then, does not record the nature of injury which amply demonstrates that the injury suffered by the injured is simple in nature.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.F.C.,05, East Muzaffarpur in connection with Rampurhari P. S. Case No.240 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the injury report of the injured and in the event, if it is found that any of the injured has suffered any grievous injury on any part of the body, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that the injury suffered by the injured is simple in nature, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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