

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58423 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- BAUGHAT District- Sheikhpura

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1. Kaleshwar Mahto @ Akhileshwar Mahto, male, S/o Late Deo Mahto;
 2. Chhotan Mahto @ Chhotu Kumar, male, S/o Jairaj Mahto;
 3. Shibu Mahto, male, S/o Jairam Mahto;
- All are R/o Village - Ghat Kushumbha, P.S. - Baughat, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priya Kumari, Adv.
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-08-2025 Ms. Priya Kumari, the counsel for the

petitioners seeks permission to withdraw the application

with respect to petitioner Nos. 1 and 2, namely,

Kaleshwar Mahto @ Akhileshwar Mahto and Chhotan

Mahto @ Chhotu Kumar, respectively, as they have been

arrested during the pendency of this bail application.

2. Permission is granted.

3. The application with respect to petitioner

Nos. 1 and 2 is dismissed as withdrawn as having become



infructuous.

4. Heard the learned counsel for the petitioner No. 3 and the learned Additional Public Prosecutor for the State.

5. The petitioner No. 3, namely, Shibu Mahto, is apprehending his arrest in connection with Baughat P.S. Case No. 30 of 2025 registered for the offences under Sections 115(2), 126(2), 303(2), 109, 329(4), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

6. As per the prosecution case, the informant has stated that while he was returning along with his three years old son, one of the co-accused persons, namely, Ramanand Mahto, thrown his son after lifting him from his shoulder, causing him head injury. It has further been alleged that the other named accused persons assaulted the informant by means of rod and the petitioner No. 3/Shibu Mahto along with Chhotan Mahto (petitioner No. 2) assaulted the father of the informant. It has lastly been alleged that the persons injured in the



occurrence were taken to Sadar Hospital, Sheikhpura for better treatment and when the family members of the informant were at the hospital, the accused persons entered into the house of the informant and take away some cash and jewelry.

4. It has been submitted on behalf of petitioner No. 3 that he has falsely been implicated in this case and no such incident as stated had ever taken place. It has further been submitted that even go-by the averments made in the F.I.R., it has been alleged that petitioner No. 3/Shibu Mahto had assaulted the father of the informant, but, the injuries, as would appear from the impugned order, were found to be simple in nature. Admittedly, there is a land dispute between the parties and case and counter case for the same occurrence lodged by one Ramanand Mahto. It has lastly been submitted that petitioner No. 3 carries clean antecedent.

5. The learned APP for the State has vehemently opposed the prayer for grant of anticipatory



bail to petitioner No. 3.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the above-named petitioner No. 3 be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in connection with Baughat P.S. Case No. 30 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS) as well as subject to the following conditions :

(i) One of the bailors of the petitioner No. 3 shall be his close relative.

(ii) The petitioner No. 3 shall remain physically present before the learned Court below on each and every date of the trial.



(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail-bonds of the petitioner No. 3 will be liable to be cancelled by the concerned learned Court below.

(iv) If the petitioner No. 3, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of his bail-bonds.

(v) The learned Court below shall verify the criminal antecedent of the petitioner No. 3 and in case at any stage it is found that he has concealed his criminal antecedent, the Court below shall take necessary steps for cancellation of his bail-bonds. However, the acceptance of bail-bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. The application stands disposed of accordingly.

(Sourendra Pandey, J)

Praveen-II/-

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