

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64911 of 2024**

Arising Out of PS. Case No.-136 Year-2024 Thana- CHIRAIYA District- East Champaran

1. Birendra Mahto @ Virendra Mahto Son of Chanardeo mahto Resident of Village - Madhubani, P.S. - Chiraiya, District - East Champaran
2. Rajan Mahto @ Rajan Kumar Son of Birendra Mahto Resident of Village - Madhubani, P.S. - Chiraiya, District - East Champaran
3. Asarfi Mahto Son of Late Bhikhar Mahto Resident of Village - Madhubani, P.S. - Chiraiya, District - East Champaran
4. Lavkush Mahto @ Lavkush Kumar Son of Asarfi Mahto Resident of Village - Madhubani, P.S. - Chiraiya, District - East Champaran
5. Kaushalya Devi @ Maina Devi Wife of Asarfi Mahto Resident of Village - Madhubani, P.S. - Chiraiya, District - East Champaran
6. Kavita Kumari Daughter of Asarfi Mahto Resident of Village - Madhubani, P.S. - Chiraiya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Advocate  
For the Opposite Party/s : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH**  
**ORAL ORDER**

4      17-03-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioners are apprehending their arrest in connection with Chiraiya P.S. Case No. 136 of 2024 for the offence under Sections 341, 323, 307, 379, 504 and 34 of the I.P.C.

3. As per the prosecution story, the informant has alleged that on 04.04.2024, at about 10:00 O'clock when the



informant was constructing the toilet seat in his allotted land then his co-sharer started demolishing the toilet seat. When the informant raised objection, all the F.I.R. named accused persons started abusing and assaulted him by means of lathi, danda and iron rod. Petitioner No. 4 has assaulted the informant by means of iron rod on the head of the informant with intention to kill him.

4. Learned counsel for the petitioners submits that the petitioners are quite innocent and have not committed any offence, much less, the offences as alleged against them, and they are victims of false implication in this case, due to land dispute, which is only counter blast to Chiraiya P.S. Case No. 137 of 2024 under Sections 341, 323, 325, 379, 504 and 34 of the Indian Penal Code lodged by petitioner no. 1 against the informant and others. There is inordinate delay at about one day in lodging the F.I.R. on 05.04.2024 in respect of the alleged occurrence said to have taken place on 04.04.2024, and there is no satisfactory explanation for the same. Learned counsel further submits that both the parties are agnates.

5. Learned APP vehemently opposes the prayer for bail.

6. There is case and counter case between the



parties, and from perusal of the F.I.R., it clearly transpires that there is specific allegation against petitioner no. 4 namely, Lavkush Mahto that he assaulted on the head of informant by means of iron rod with intent to kill him, due to which he sustained injuries, resultantly, blood started ouzing out from his head. From perusal of Annexure 3, the injury report of Daroga Mahto, it appears that he has sustained lacerated injury on his scalp of size 4" X 1/6" X 1/6". In these circumstances, petitioner no. 4 does not deserve the privilege of anticipatory bail. Accordingly, anticipatory bail application of petitioner no. 4 namely Lavkush Mahto stands rejected.

7. So far as rest petitioners are concerned, there are general and omnibus allegation against them of assaulting the informant and his wife. Keeping in view the aforesaid facts and circumstances of this case, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners 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, Sikarahna at Dhaka, East Champaran, in connection with



Chiraiya P.S. Case No. 136 of 2024 subject to the conditions  
as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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