

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63829 of 2025

Arising Out of PS. Case No.-289 Year-2025 Thana- JOGAPATTI District- West Champaran

Chandrashekhar Mahto @ Chandrashekhar Kumar S/o Bhola Mahto R/o vill -
Paregawa, ward no. 3, P.S.- Yogapatti, Distt.- West Champaran, Bettiah

... .. Petitioner

Versus

1. The State of Bihar
2. Brajesh Prasad S/o Ram Narayan Prasad R/o vill - Paregawa, ward no. 3,
P.s.- Yogapatti, Distt.- West Champaran, Bettiah

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Digvijay Kumar Ojha, Adv.

For the State : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Yogapatti P.S. Case No. 289 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109(1), 303(2), 3(5) of BNS Act, 2023.

3. As per prosecution case, petitioner is said to have assaulted by means of iron rod upon the head of the informant as a result of which he sustained head injury and fell down on the ground. Thereafter, co-accused Rameshwar Mahto, Shashibhushan Mahto and Ashok Mahto assaulted the informant by means of lathi and danda.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel further submits that both parties are agnates and there is case and counter case between both the parties and both parties sustained injury and hence, free fighting cannot be ignored. He further submits that there is delay of eleven days in lodging the FIR as the alleged occurrence took place on 08.06.2025 and FIR has been lodged on 19.06.2025 and there is no plausible explanation regarding the said delay which questions the authenticity of the prosecution story. He further submits that as per prosecution case, there is allegation that petitioner assaulted on the head of informant by means of iron rod and thereafter, three other co-accused persons, namely, Rameshwar Mahto, Shashibhushan Mahto and Ashok Mahto assaulted the informant by means of lathi and danda but the injury report of informant indicates that informant sustained two injuries which are simple in nature and in the light of aforesaid facts and circumstances of the case, the prosecution story is totally falsified. It is further alleged that there is no allegation of repetition of blow against the petitioner. Apart from that, petitioner has no criminal antecedent.



5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is specific allegation of assault against the petitioner and same is supported by the injury report of the informant and hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 289 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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