

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67440 of 2025

Arising Out of PS. Case No.-290 Year-2025 Thana- JOGAPATTI District- West Champaran

1. Brajesh Mahto @ Brijesh Mahto @ Brijesh Prasad S/O Ram Narayan Mahto @ Ram Narayan Prasad R/O vill.- Paregwa Ward no.- 3 P.S.- Jogapatti Dist.- West Champaran
2. Vinay Kumar S/O Ram Narayan Mahto @ Ram Narayan Prasad R/O vill.- Paregwa, P.S.- Jogapatti Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akhileshwar Kumar Shrivastva, Adv.
For the Opposite Party/s	:	Mr. Lakshmi Kant Sharma, APP
For the Informant	:	Mr. Digvijay Kumar Ojha, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-10-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 109(1), 303(2) and 3(5) of BNS Act.
3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and the informant alleges that he was constructing his boundary wall when accused persons came and started abusing, on objection, Akhilesh gave orders to assault on which Vinay (petitioner no. 2) assaulted him by *farsa* twice causing injury on head,



thereafter, Akhilesh and Brajesh assaulted indiscriminately by rod causing injury on arm and chest, further Rajesh caught Shashi Bhushan and Akhilesh tried to strangulate him with towel and thereafter Brajesh (petitioner no. 1) assaulted him by rod causing injury on head and Akhilesh and Rajesh injured his ear and back, further Akhilesh assaulted Pawan by rod causing injury near right eye, thereafter Abhay assaulted him by *lathi* and Vinay snatched chain of Pawan, further Abhay assaulted Ramu by *lathi* causing injury on head, thereafter Ram Narayan assaulted him by rod indiscriminately causing injury on ear, mouth and back and Akash assaulted Vicky by rod causing injury on head, further Abhay assaulted him by *lathi* causing injury on hand, back and on both legs.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant, it is next submitted that petitioners and the informant are agnates and are having dispute relating to land. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to construction of boundary wall, an altercation is alleged to have taken place in which both sides assaulted each other. It is further submitted that petitioner no. 2 is an Army personnel and against



him a case was instituted under the excise act. It is next submitted that since in the Army, the petitioner no. 2 was entitled to carry liquor and was not aware of the law prevailing at that time, as such, in the train some bottles were recovered from his baggage. It is also submitted that no doubt allegation of assault is specific against the accused persons and against petitioner no. 2, it is alleged that he assaulted the informant twice by *farsa* causing injury on head, but then the injury suffered by the informant has been opined to be simple in nature and allegation of snatching chain of Pawan is ornamental. It is also submitted that injury suffered by Shashi Bhushan on account of assault by Brajesh is also opined to be simple in nature, it is thus submitted that petitioners never had any intention of committing a serious occurrence. It is next submitted that no doubt from side of the petitioners also some persons were injured for which Yogapatti P.S. Case No. 289 of 2025 has been instituted against the side of the informant and others, as such the instant FIR is a counterblast to Yogapatti P.S. Case No. 289 of 2025.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners, but then are not in a position



to rebut the submission of the learned counsel appearing on behalf of the petitioners that the injury suffered by the injured is simple in nature. The learned counsel appearing on behalf of the informant submits that in the event if privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond, on which the learned counsel appearing on behalf of the petitioners submits that petitioner no. 2 is an Army personnel and he will not abscond and the petitioners will cooperate in the investigation to prove their innocence.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Yogapatti P.S. Case No. 290 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite



giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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