

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73403 of 2025

Arising Out of PS. Case No.-265 Year-2022 Thana- WARISNAGAR District- Samastipur

Chhotan Mahto, Son of Ram Shital Mahto, Resident of Village - Daslapur,
P.S.- Mathurapur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-11-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Waris Nagar P.S. Case No. 265 of 2022, registered for the
offences punishable under Sections 341, 147, 447, 307, 323,
324, 379, 354, 506 and 504 of the Indian Penal Code.

3. While the informant was standing at this door, in
the meanwhile, all the accused persons including the petitioner
variously armed came there and started abusing and assaulting
him. It is specifically alleged that this petitioner assaulted the
informant by means of butt of the pistol over the head of the
informant, due to which he sustained injury.

4. Learned Advocate appearing on behalf of the



petitioner submitted that the prosecution case falls to the ground for the simple reason that during the course of investigation, the police has found no material against the petitioner and, as such, he was not sent up for trial. However, differing with the final report, the learned jurisdictional Court has taken cognizance for the offences alleged in the FIR. To support the aforesaid contention the final form report has been placed on record as Annexure 2 to the petition. It is next submitted that so far the injuries which is alleged to have sustained to the informant, that appears to be caused by co-accused Navin Kumar Mahto, by means of sword over his head. The petitioner bears fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that there is specific allegation of causing assault against the petitioner and the corresponding injuries clearly shows about the complicity of the petitioner.

6. Having regard to the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the police has not sent up the petitioner for trial and diferring with the final report, the learned jurisdictional Court has taken cognizance for the offences alleged in the FIR,



coupled with the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Waris Nagar P.S. Case No. 265 of 2022, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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