

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70104 of 2025

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

1. Rajesh Mahto Son of Ramnarayan mahto @ Ramnarayan Prasad Resident of Village- Prayagwa, Paregwa, Ward no. 03, Ps- Yogapatti, Dist- West Champaran
2. Ramnarayan Mahto @ Ramnarayan Prasad son of Late Nakchhed Mahto @ Nakchhed yadav Resident of Village- Prayagwa, Paregwa, Ward no. 03, Ps- Yogapatti, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

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 two cases and petitioner no. 2 is a senior citizen aged about 61 years 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 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 (petitioner no. 1) caught Shashi Bhushan and Akhilesh tried to strangulate him with towel and thereafter Brajesh 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 (petitioner no. 2) 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 from perusal of the allegation as alleged in the FIR, it would manifest that Rajesh is alleged to have caught Shashi Bhushan and thereafter Akhilesh tried to strangulate him with towel and Brajesh assaulted him by



rod causing injury on head and thereafter Akhilesh and Rajesh injured his ear and back, it is next submitted that the injury suffered by Shashi Bhushan has been opined to be simple in nature. It is also submitted that as far as petitioner no. 2 is concerned, he is alleged to have assaulted Ramu by rod causing injury on ear, mouth and back, but then it is submitted that the injuries have been opined to be simple in nature except one injury on thumb which is opined to be grievous, it is submitted that since on account of dispute relating to land, both side assaulted each other, as such, Ramu fell on account of which he sustained injury on his mouth and ear. It is further submitted that Brajesh Mahto along with one another had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 67440 of 2025 and the same was allowed by an order dated 07.10.2025 after considering the case on merits and in detail. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

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 Shashi



Bhushan has been opined to be simple in nature and only one injury of Ramu on thumb is opined to be grievous which is non vital part of the body.

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. 10,000/- (Rupees Ten 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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