

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79457 of 2025

Arising Out of PS. Case No.-107 Year-2025 Thana- DHANAHA District- West Champaran

Rajdeo Mahato @ Rajdev Kushwaha S/O Late Motichand Kushwaha @ Late
Motichand Mahato R/O Village - Marichahwa,P.S- Dhanha, Dist- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-12-2025 Heard Mr. Milind Kumar Mishra, learned counsel
for the petitioner and Mr. Bhanu Pratap Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dhanha P.S. Case No. 107 of 2025, F.I.R. dated 03.04.2025 for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109(1), 303(2), 352 and 351(2) of the BNS, 2023.

3. According to prosecution case, all the accused persons including this petitioner have assaulted to the informant and his family members due to which they received injuries.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case. It appears from the F.I.R itself that due to admitted land dispute the present occurrence took place. There is case and counter case between the parties. Although there is specific allegation against the petitioner that he has assaulted to the informant but the injury report of the informant suggest that the injury is simple in nature caused by hard and blunt substance.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R that there is direct and specific allegation against the petitioner that he has assaulted to the informant and apart from that the petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances that there is case and counter case between the parties and the injury received by the informant is simple in nature, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Bagaha, West Champaran in connection with Dhanha P.S. Case No. 107 of 2025, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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