

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74393 of 2025

Arising Out of PS. Case No.-302 Year-2025 Thana- DARAUNDA District- Siwan

1. Chhotelal Mahato, S/O Nathuni Mahato, Resident of village- Usati, Police Station- Daraunda, District- Siwan.
2. Rajan Mahato @ Rajan Kumar Mahato, Son of Chhotelal Mahato, Resident of village- Usati, Police Station- Daraunda, District- Siwan.
3. Sri Niswas Mahato @ Srinivas Mahato, Son of Raghuvar Mahato, Resident of village- Usati, Police Station- Daraunda, District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No. 1, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-11-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Daraunda P.S. Case No. 302 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 303(2), 351(3), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. While the informant was engaged in making foundation for fencing his land, in the meanwhile, petitioner no. 3 armed with sword came there and assaulted him, due to which



he sustained head injury. It is further alleged that the petitioner nos. 1 and 2 alongwith others also armed with iron rod, dab and knife came there and started assaulting. When the son of the informant came to his rescue, petitioner no.1 assaulted him by means of knife over his nose, due to which he sustained serious injury. There is further allegation against the petitioner no. 2 of causing assault to the wife of the informant.

4. Learned Advocate appearing on behalf of the petitioners taking this Court through the FIR contended though there is allegation against all the three petitioners of causing assault, however, the assault which is attributed to petitioner no. 2 and 3, these injuries have been found to be simple in nature, except the injury which is attributable to petitioner no.1, the same is said to be grievous in nature. The petitioners are men of fair antecedent and in fact, on the fateful day, they entered into a free fight on account of a land dispute.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that besides the allegation of assault and the corresponding injury, one of the injury is found to be grievous in nature and attributed to the petitioner no.1.

6. Having considered the submissions advanced by



learned Advocate for the respective parties and taking note of the specific accusation and the resultant injury to the son of the informant, which is found to be grievous in nature, this Court is not acceded to the prayer for anticipatory bail of petitioner no. 1, accordingly his prayer stands rejected. So far petitioner no. 2 and 3 are concerned, taking into consideration that simple nature of injuries have been attributed against them, besides their fair antecedent, let the petitioner nos. 2 and 3 above named be released on bail, in the event of their 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 Additional Chief Judicial Magistrate in connection with Daraunda P.S. Case No. 302 of 2025, 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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