

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79424 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- KOTWA District- East Champaran

1. Rudal Mahto Son of Dulan Mahto @ Shiv Pujan Mahato Resident of Village - Pokhara, P.S. - Kotwa, District - East Champaran
2. Guddu Mahto @ Guddu Kumar Son of Dulhan Mahto @ Shiv Pujan Mahato Resident of Village - Pokhara, P.S. - Kotwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 80690 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- KOTWA District- East Champaran

1. Tena Mahto @ Ten Mahato @ Tunna Kumar S/O Dulan Mahto @ Shiv Pujan Mahato Resident of Village - Pokhara, P.S. - Kotwa, District - East Champaran.
2. Kuldeep Kumar @ Kuldeep Mahto S/O Dulan Mahto @ Shiv Pujan Mahato Resident of Village - Pokhara, P.S. - Kotwa, District - East Champaran.
3. Soni Devi @ Soni Kumari W/O Tena Mahto @ Ten Mahato @ Tunna Kumar Resident of Village - Pokhara, P.S. - Kotwa, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 79424 of 2025)

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

(In CRIMINAL MISCELLANEOUS No. 80690 of 2025)

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-12-2025 Heard Madhurendra Kumar, learned counsel for the
petitioners and Mr. Murli Dhar as well as Mr. Mithlesh Kumar



Khare, learned APP for the State.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw the application with respect to petitioner no. 2, namely, Guddu Mahto @ Guddu Kumar (in Cr. Misc. No. 79424 of 2025) on the ground that during the pendency of his application, he has been arrested and hence the present bail application with respect to petitioner no. 2, namely, Guddu Mahto @ Guddu Kumar (in Cr. Misc. No. 79424 of 2025) has become infructuous.

3. Permission is accorded.

4. The bail application of petitioner no. 2, namely, Guddu Mahto @ Guddu Kumar (in Cr. Misc. No. 79424 of 2025) is dismissed as withdrawn as having become infructuous.

5. The petitioners (except petitioner no. 2, namely, Guddu Mahto @ Guddu Kumar) are apprehending their arrest in connection with Kotwa P.S. Case No. 01 of 2025, F.I.R. dated 05.01.2025 registered for the offences punishable under Sections 126(2), 115(1), 118(1), 109(1), 3(5) of the B.N.S., 2023.

6. Allegation against the petitioners is that they have assaulted the informant and his wife due to which they sustained injuries.



7. Learned counsel for the petitioners (except petitioner no. 2, namely, Guddu Mahto @ Guddu Kumar) submits that the informant and petitioners are agnates to each other and due to previous dispute, the present occurrence had taken place and there is case and counter case between the parties. It appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 30.12.2024 and the present F.I.R. was instituted on 05.01.2025 after delay of five days without giving any explanation of delay. Although petitioners are named in the F.I.R. but from perusal of the F.I.R. it appears that there is specific allegation of assault attributed against co-accused person namely, Guddu Mahto @ Guddu Kumar and there is no specific allegation of any assault or overt act attributed against these petitioners.

8. Learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners (except petitioner no. 2, namely, Guddu Mahto @ Guddu Kumar) and submits that the petitioners are named in the F.I.R. and apart from that petitioner namely Rudal Mahto and petitioner namely Tena Mahto carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that they are on bail in the pending matters and



also fairly submits that the petitioner namely Kuldeep Kumar @ Kuldeep Mahto and Soni Devi @ Soni Kumari having clean antecedents.

9. Considering the facts and circumstances of the case that there is no specific allegation of any assault or overt act against the petitioners in the present F.I.R. (except petitioner no. 2, namely, Guddu Mahto @ Guddu Kumar), let the petitioners (except petitioner no. 2, namely, Guddu Mahto @ Guddu Kumar), above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, East Champaran at Motihari in connection with Kotwa P.S. Case No. 01 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioners (except petitioner no. 2, namely, Guddu Mahto @ Guddu Kumar) 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners (except petitioner no. 2, namely, Guddu Mahto @ Guddu Kumar) tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner no. 2, namely, Guddu Mahto @ Guddu Kumar) and in case at any stage, it is found that the petitioners (except petitioner no. 2, namely, Guddu Mahto @ Guddu Kumar) have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner no. 2, namely, Guddu Mahto @ Guddu Kumar). 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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