

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76408 of 2025

Arising Out of PS. Case No.-65 Year-2025 Thana- MUFFASIL District- West Champaran

1. Lalbabu Mahto S/O Hira Mahto Resident of Vill.- Barwat Sena, Ward No-6, P.S.- Bettiah Muffasil, Dist.- West Champaran
2. Hira Mahto S/O Late Ramyad Mahto Resident of Vill.- Barwat Sena, Ward No-6, P.S.- Bettiah Muffasil, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
Mr. Raushan, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-11-2025 Heard the learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bettiah Muffasil P.S. Case No. 65 of 2025, F.I.R dated 05.02.2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, 04.02.2025 at about 8:00 AM, the informant's neighbours, Lalbabu Mahto, Santosh Mahto, Hira Mahto, and Munni Mahto, armed with weapons, were measuring land. When the informant objected, accused Munni Mahto struck him on the head with a farsa, while



Lalbabu and Santosh Mahto assaulted him with lathis on his foot and thigh. When the informant's son, Kamlesh Mahto, intervened, Hira Mahto attacked him with a brick/stone. Local villagers intervened and rescued them, after which both injured persons were taken to GMCH, Bettiah for treatment.

4. Learned counsel for the petitioners submits that there is a case and counter case and the families from both the sides were injured and were sent to GMCH, Bettiah for treatment. The injuries, said to have been caused to the informant, are simple in nature while the petitioner's side has also received injuries which prosecution has been lodged by the petitioner No.1 against the informant. It has next been submitted that the alleged incident is said to have taken place for the issue of demarcation of land between the parties where the informant was trying to construct the house, owing to which the present altercation has occurred.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that there is case and counter case and both the sides have received injuries being simple in nature. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the



petitioners.

7. Let the petitioners, 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., West Champaran at Bettiah, in connection with Bettiah Muffasil P.S. Case No. 65 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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