

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79664 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- KHODAWANDPUR District- Begusarai

1. Ganga Prasad @ Ganga Prasad Mahto son of Ram Sewak Mahto Resident of Village -Sirsee, Ward No 09, PS- Khodawandpur, Distt -Begusarai
2. Sikandar Mahto @ Sikendar Mahto @ Sikendra Mahto Son of Ram Sewak Mahto Resident of Village -Sirsee, Ward No 09, PS- Khodawandpur, Distt -Begusarai
3. Lakshman Kumar @ Lakshman Mahto Son of Ganga Prasad @ Ganga Prasad Mahto Resident of Village -Sirsee, Ward No 09, PS- Khodawandpur, Distt -Begusarai
4. Anil Mahto Son of Ram Sewak Mahto Resident of Village -Sirsee, Ward No 09, PS- Khodawandpur, Distt -Begusarai
5. RadhaKrishan Mahto son of ram Sewak Mahto Resident of Village -Sirsee, Ward No 09, PS- Khodawandpur, Distt -Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in connection with Khodawandpur P.S. Case No. 40 of 2025, dated 22.05.2025, lodged under Sections 126(2), 115, 117(4), 303(2), 74, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

3. As per the prosecution, FIR has been lodged against six named accused persons, including the present



petitioners, alleging that they reached near the hut of the informant and started pouring diesel with a view to set the hut on fire. In the meantime, the informant started shouting, and when other family members arrived, the accused persons began abusing and assaulting them, causing injuries. The FIR also contains an allegation of snatching a silver chain.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the petitioners' side had purchased a piece of land from the landowner, which was objected to by the informant's side, and it is due to this dispute the informant's side filed Title Suit No. 94 of 2024, pending before the Sub-Judge, Manjhaul. Counsel further submits that a proceeding under Section 163 of the BNSS, 2023, was initiated by the Executive Magistrate, Manjhaul, Begusarai, vide Case No. 33M/2024, which was decided in favour of the petitioners by order dated 11.11.2024. Thereafter, the informant's side allegedly hatched the present conspiracy, resulting in the lodging of a false case. He further submits that Annexure P/2 is the FIR filed by the petitioners' side, which was registered on 12.05.2025 as Khodawandpur P.S. Case No. 37 of 2025, and thereafter, the informant filed another case, Khodawandpur P.S. Case No. 40



of 2025, in which the petitioners have been made accused. He also submits that the petitioners have clean criminal antecedents and are ready to comply with any conditions that this Court may impose.

5. Learned APP for the State opposes the prayer for bail of the petitioners but fairly submits that the petitioners have clean criminal antecedents and a case and counter-case have been lodged between the parties.

6. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai, in connection with Khodawandpur P.S. Case No. 40 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

Aman Kumar/-

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