

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84420 of 2025

Arising Out of PS. Case No.-125 Year-2024 Thana- UJIYARPUR District- Samastipur

1. Arvind Mahto @ Arbind Mahto Son of Ramsevak Mahto @ Ram Sewak Mahto Resident of village - Paroriya, Police Station - Ujiarpur, District - Samastipur
2. Deepak Kumar Son of Arvind Mahto @ Arbind Mahto Resident of village - Paroriya, Police Station - Ujiarpur, District – Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Ms.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-12-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Ujiyarpur P.S. Case No. 125 of 2024, registered for the offences punishable under Sections 147, 148, 148, 188, 341, 323, 324, 325, 307, 354B, 379, 504, 506 of the Indian Penal Code.

3. Allegedly, on the fateful day, the Officer Incharge of Mahila Police Station visited the house of one Rudal Pandit for recording statement of the victim as well as other witnesses. When the accused persons came to know, all the FIR named accused persons came there and started assaulting the informant



and others. The accused persons were also accompanying patrol and by sprinkling the same, they set ablaze the portion of the house. There is specific allegation against petitioner No. 1 of causing assault by means of sword due to which the informant sustained serious injury over his head. There is further allegation that co-accused Umesh Mahto assaulted the sister-in-law (*bhabhi*) of the informant. The accused persons also assaulted the nephew of the informant and his wife.

4. Learned Advocate for the petitioners submitted that with respect to an occurrence which took place on 26.05.2024, the FIR came to be instituted on 30.05.2024 without there being any plausible explanation. So far the injury which is allegedly sustained to the informant is concerned, the same is found to be simple in nature. Moreover, the injury which is sustained to *bhabhi* of the informant, the opinion is reserved till date; however the same is not attributed against the petitioners. Prior to institution of this case; the uncle of the informant has also instituted Mahila P.S. Case No. 33 of 2024; save and except the aforesaid case, there is no other case pending against them, except the present case. Taking note of the aforesaid fact, co-accused persons have been accorded the privilege of anticipatory bail by a Bench of this Court in Cr. Misc. No.



62915 of 2024 vide order dated 17.03.2025, copy of which is marked as Annexure-P/4 to the bail application. The petitioners undertake that they will fully cooperate in the proceeding of the court and would not indulge in intimidating the witnesses.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that there is serious allegation against the petitioners that initially they were found indulged in Mahila P.S. Case No. 33 of 2024 and later on when the police came for investigation, they on being infuriated again assaulted the informant and other family members.

6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of delay in lodging of the FIR, coupled with the simple nature of injury attributed to petitioner No. 1, besides the fact that the case of the petitioners is based on parity with those who have been accorded the privilege of anticipatory bail, let the petitioners abovenamed 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) each with two sureties of the like amount each to the satisfaction



of the learned Sub Divisional Judicial Magistrate,
Dalsinghsarai, Samastipur in connection with Ujiyarpur P.S.
Case No. 125 of 2024, subject to the conditions laid down in
Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023,
with the further condition:

(i) that one of the bailors shall be the own/close
family members of the petitioners,

(ii) that the petitioners would not indulge in
intimidating the witnesses/informant or tampering with the
evidence, and

(iii) that in case, the petitioners shall be found indulge
in intimidating the informant/witnesses or tampering with the
evidence, the informant or the State shall be at liberty to file an
application for cancellation of the bail of the petitioners.

(Harish Kumar, J)

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