

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3661 of 2025

Arising Out of PS. Case No.-109 Year-2024 Thana- PALANWA District- East Champaran

1. Brijesh Mahato @ Brajesh Mahato S/O Late Jagat Mahato
 2. Kalawati Devi W/o Late Jagat Mahato
 3. Prabhawati Devi W/o Late Rajesh Mahato
- All are resident of village - Kharkatwa, P.S. - Palanwa, Distt.- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-02-2025 Heard learned counsel appearing on behalf of the
petitioners and the learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with
Palanwa P.S.Case No.109 of 2024, registered for the offence(s)
punishable under Sections Section 126(2), 115(2), 118(1), 117,
76, 109, 303(2), 352, 351(2) and 3(5) of the BNS of 2023

3. As per the allegation made in the FIR, all the
accused persons including the petitioners assaulted the
informant and her family members, in which Jokhan Mahto,
sustained injury on the vital part of his body.

4. It is submitted by the learned counsel appearing on
behalf of the petitioners that the petitioner no.2 has also filed a
counter case being Palanawa P.S.Case No.111/24 arising out of
same incident, in which the husband of petitioner no.2 sustained
grievous injury, as a result he died. Petitioners have clean



antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties, as well as, there being case and counter case between the parties, in which both sides sustained injury and the husband of the petitioner no.2 has died, I find that the petitioners may have caused some injury in their self-defence, as such, the petitioners have made out *prima facie* a case to be released on pr-arrest bail.

7. The petitioners, above named, are directed to be released on bail, in the event of their arrest or surrender before the learned District Court within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, East Champaran, Motihari/concerned court, in connection with Palanwa P.S.Case No.109 of 2024, subject to conditions as laid down under Section 482(2) of BNSS of 2023

7. The learned district court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been



stated in paragraph No.3 of the bail application, this order will
automatically lose its force.

(Purnendu Singh, J)

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