

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3771 of 2026

Arising Out of PS. Case No.-230 Year-2025 Thana- KHANPURA District- Samastipur

1. Surendra Prasad @ Surendra Mahto Son of Late Shivnarayan Mahto Resident of Village - Milki, P.S.- Khanpur, District - Samastipur.
2. Shiv Shankar Das Son of Ghuran Das Resident of Village - Milki, P.S.- Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Jitendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-01-2026

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for grant of anticipatory bail apprehending their arrest in connection with Khanpura P.S. Case no. 230 of 2025 registered for the offence punishable under sections 126(2), 115(2), 109(1), 303(2), 352, 351(2) and 3(5) of the Bharatiya Nyay Sanhita, 2023.

3. As per the prosecution case, over a trivial dispute of sale of plastic-iron pipe it is stated that while Shiv Shankar Das went away without making payment and having cut the plastic pipe of the informant, it is stated that soon thereafter Surendra Mahto is said to have assaulted the informant with an iron pipe causing grievous injuries on his head.



4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the FIR. It is in fact the petitioner Shiv Shankar Das who was brutally assaulted by the informant and his brother for which Case. no.1573 of 2025 was lodged on earlier occasion. So far as Surendra Mahto is concerned, he was not even present at the place of occurrence. The petitioners have no criminal antecedent and undertake to cooperate in the investigation/trial.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that besides both the petitioners being named in the FIR there is direct allegation against them and so far as allegation of assault on petitioner no.1 Surendra Mahto is concerned, a corresponding grievous injury on the head of the informant has been found by the doctor.

6. Having heard learned counsel for the parties and taking into consideration the allegation of assault against petitioner no.1 Surendra Prasad @ Surendra Mahto on the head of the informant with an iron pipe and the corresponding injury grievous in nature having been found, the Court is not inclined



to enlarge the petitioner no.1 Surendra Prasad @ Surendra Mahto on bail and his application is rejected.

7. The petitioner no.1 Surendra Prasad @ Surendra Mahto is directed to surrender before the Court below within a period of four weeks.

8. In the facts of the case, it is directed that the petitioner no.2 Shiv Shankar Das in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Khanpura P.S. Case no. 230 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Samastipur.

(Partha Sarthy, J)

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