

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5889 of 2026

Arising Out of PS. Case No.-72 Year-2025 Thana- Kotwali District- Darbhanga

1. Ajay Mahto @ Ajay Kumar Mahto Son of Late Shivji Mahto R/o Ward No. 19, Rajkumar Ganj, P.S.- Kotwali, District- Darbhanga.
2. Abhishek Kumar Son of Ajay Kumar Mahto @ Ajay Mahto R/o Ward No. 19, Rajkumar Ganj, P.S.- Kotwali, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanchan Jha

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 24-02-2026 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 Kotwali P.S. Case No.72 of 2025, F.I.R dated 19.08.2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 110, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, on 17.08.2025 at about 9:00 PM, the informant and his family were eating near their house after attending the funeral of their aunt, Geeta Devi. At that time, his elder brother Ajay Mahto, who had been living separately due to prior disputes, arrived along with his son Abhishek Kumar, wife Pinki Devi, daughters Priya Kumari and



Priti Kumari, and two unknown relatives. Allegedly acting with intent to kill, they assaulted Ravi Kumar Mahto and Sanjay Kumar Mahto with iron rods, causing head injuries. The injured were admitted to DMCH for treatment.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case and the present case arose due to an existing land dispute. There is case and counter case and the petitioners and informant are agnates. It has next been submitted that for same and similar incident, by showing the incident to have taken place at 09:00 p.m., while the said incident, as per the F.I.R. of this petitioner has taken place at 10:00 p.m., and owing to the injuries sustained, the petitioner was admitted in the hospital and went under treatment on 17.08.2025 and to get over the allegation, the instant case is said to have been registered. It has further been submitted that the injuries which is said to have been sustained by the informant are simple in nature.

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

6. Considering the aforesaid facts and circumstances the petitioners have falsely been implicated in the present case and the present case arose due to an existing land dispute and



the injuries which is said to have been sustained by the informant are 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 CJM, Darbhanga, in connection with Kotwali P.S. Case No.72 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/known of the petitioner(s) who shall provide official document/personal affidavit 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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