

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9068 of 2026

Arising Out of PS. Case No.-329 Year-2025 Thana- KOTWA District- East Champaran

1. Jai Mahato @ Jai Mahto son of Late Bhikhari Mahato
 2. Ramtapasya Mahato son of Late Bhikhari Mahato
 3. Ramdev Mahato Son of Late Bhikhari Mahato
 4. Jagan Devi @ Jagiya Devi wife of Madan Mahato
 5. Madan Mahato son of Jai Mahato
- All are Resident Of Village- Machchhargawa, Ward no. 14, PS- Kotwa, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Advocate Mr. Hemant Ray, Advocate
For the Opposite Party/s	:	Mr.Upendra Kumar, APP
For the informant	:	Md. Farooq, Advocate Mr. Suraj Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-05-2026 Heard learned counsel appearing on behalf of the petitioners; learned APP for the State and learned counsel for the informant.

2. The petitioners seek pre-arrest bail in connection with Kotwa P.S. Case No. 329 of 2025 registered for the offence(s) punishable under Sections 126(2), 127(2), 115(2), 118(1), 117(2), 109(1), 74, 303(2), 352, 351(2) and 3(5) of the BNS.

3. As per the allegation made in the FIR, the accused



persons named therein including the petitioners assaulted the husband of the informant, with an intention to kill, causing injuries.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have been falsely implicated in the present case on account of a land dispute between the parties. It has been alleged against Madan Mahto (petitioner no. 5) that he assaulted the husband of the informant on the head with a *Farsa*, while Jai Mahto (petitioner no. 1) is alleged to have assaulted him on the hands with a rod. Allegations have also been made against Ramtapsya Mahto and Ramdeo Mahto that they assaulted the husband of the informant with *lathis*, and when the informant intervened to rescue him, they pushed her and dragged her on the road. The allegation against Jagan Devi (petitioner no. 4) is that she took away the informant's nose ring, valued at Rs.1,500/-. There is case and counter case between the parties arising out of same incidence and due to land dispute, an altercation took place and both the sides entered into fierce fight in which, both the sides sustained injuries. Petitioners have clean antecedents. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned counsel for the informant and learned



APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties and upon perusal of the allegations made in the FIR, I find that there is a specific allegation against Madan Mahato (petitioner no. 5) of assaulting the informant's husband on the head with a *farsa*, thereby causing injuries on a vital part of the body. Considering the nature and gravity of the allegation, as well as, the facts and circumstances of the case, I **am not inclined to grant pre-arrest bail to petitioner no. 5.**

7. So far as petitioners no.1 to 4 are concerned, considering the nature of allegation made against them being general and omnibus and the fact that there is case and counter case between the parties. The **petitioners no.1 to 4**, who have clean antecedents, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, F.C., East Champaran, Motihari / Concerned Court in connection with Kotwa P.S. Case No. 329 of 2025 subject to the conditions as laid down under Section



482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners no.1 to 4 and if it is found that the petitioners no.1 to 4 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 with respect to them.

9. The bail application, accordingly, disposed of.

(Purnendu Singh, J)

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