

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10895 of 2026

Arising Out of PS. Case No.-590 Year-2025 Thana- PAHARPUR District- East Champaran

Mahangu Das S/o Dashrath Das Resident of Village- Naya Gaon Bhutahan,
Ward No. 10, P.S.- Paharpur, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Ms. Isha Mishra, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Paharpur P.S. Case No. 590 of 2025, dated 14.11.2025, lodged under Section 126(2), 115(2), 118(1), 109, 303(2), 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

3. As per the prosecution, FIR has been lodged against eight (08) named accused persons, including the present petitioner. The specific allegation against the petitioner is that he reached the place of the informant and, upon opposition, made an attack with a *gada*, due to which injury was caused to the informant and bleeding started.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that for the same date and place of occurrence there is a case and counter-case between the parties. Counsel further submits that from the contents of the FIR, it is crystal clear that due to a land dispute, scuffling took place. The specific allegation against the petitioner is that he attacked the informant with a *gada*. Counsel further submits that the injury report of the informant has been attached to the bail application, wherein it has been indicated that the injury has been caused by a hard and blunt substance, whereas in the FIR it has been alleged that the petitioner attacked him with a *gada*, which is a sharp weapon. Counsel further submits that in the injury report it has also been indicated that the injury is simple in nature. Therefore, counsel submits that the injury caused and the allegations made in the FIR do not match with the injury report. Counsel also submits that the petitioner has clean criminal antecedent.

5. Learned APP for the State opposes the prayer for bail but fairly submits that there is a case and counter-case between the parties regarding the land dispute and the injury report also does not match with the allegations made in the FIR.



6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of A.C.J.M. IX, East Champaran, Motihari, in connection with Paharpur P.S. Case No. 590 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. The Trial Court is hereby directed to verify the criminal antecedent of the petitioner, and in case it is found at any stage that the petitioner has concealed his criminal antecedent, the Trial Court shall take steps for cancellation of the petitioner's bail bond. However, the acceptance of the bail bond in terms of the above-mentioned order shall not be delayed for the purpose of or in the name of verification.

(Dr. Anshuman, J.)

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