

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9708 of 2026

Arising Out of PS. Case No.-42 Year-2025 Thana- Chiraiya District- Saharsa

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1. Mantun Mahto @ Pintu Kumar Mahto Son of Vidyanand Mahto Resident of Village- Sahuriya, Ward No. 14, P.S.- Chiraiya, District - Saharsa.
 2. Makhru Mahto @ Makhru Kumar Son of Vidyanand Mahto Resident of Village- Sahuriya, Ward No. 14, P.S.- Chiraiya, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 25-02-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners apprehend their arrest in connection with Chiraiya P.S. Case No. 42 of 2025 registered for the offences under Sections 126(2), 115(2), 117(2), 109(1), 324(2) and 3(5) of the B.N.S.

3. The prosecution case is to the effect that the petitioners along with other named and five to six unknown persons came to the informant and started assaulting. It is further alleged that petitioner no. 1 gave a lathi blow on the head of the informant while petitioner no. 2 also gave a lathi blow however, the same hit on the hand of the informant and he



sustained fracture.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated on account of land dispute between the parties. He further submits that for the same occurrence, a case and counter case has been lodged on behalf of the petitioners also and it is an admitted fact that the occurrence took place on 21.08.2025 however, on 26.08.2025, after a delay of six days, in a preplanned manner to implicate all the petitioners, the FIR has been lodged. It has further been submitted that from perusal of the injury report, it would be evident that the injury sustained was found to be simple in nature and the only injury by which the hand of the informant was fractured was found to be grievous, though it is admittedly on a non-vital part of the body. It has lastly been submitted that the petitioners carry two criminal antecedents and they are on bail in both the cases.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the aforesaid submission, facts and circumstances of the case, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks



from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Chiraiya P.S. Case No. 42 of 2025 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have



concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the present application stands allowed.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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