

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14045 of 2026

Arising Out of PS. Case No.-43 Year-2025 Thana- Chiraiya District- Saharsa

1. Pintu Mahto son of Harelal Mahto Resident Of Village- Sahuriya Wasi (Basahi), Ward no. 14, Ps- Chiraiya, Dist- Saharsa
2. Hisabi Mahto @ Hisavi Mahto Son of Late Dorik Mahto @ Daurik Mahto Resident Of Village- Sahuriya Wasi (Basahi), Ward no. 14, Ps- Chiraiya, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-04-2026 Heard Mr. Amarnath Jha, learned counsel for the petitioner duly assisted by Mr. Sanjeet Kumar and the State.

2. Earlier, the anticipatory bail application of the petitioner no. 1, Pintu Mahto was rejected on 12.03.2026 as he was arrested.

3. The petitioner is apprehending his arrest in connection with Chiraiya P.S. Case No. 43 of 2025 for the offence under sections 126(2), 115(2), 118(1), 109(1), 74, 75(2), 303(2), 352 and 3(5) of the BNS lodged on 28.08.2025 by the informant, Pinki Devi.

4. As per the prosecution story, the lady alleged that Pintu Mahto tried to commit rape and upon raising alarm, as the



family members assembled, allegation is that Chand Mahto, Hisabi Mahto (petitioner no. 2) and others assaulted. This followed the movement to the hospital and the FIR.

5. Learned counsel for the petitioner submits that a perusal of the FIR would show that omnibus allegation of assault is against all the accused including the petitioner while specific allegation is that Hansraj assaulted Chhotu Mahto and Chand Mahto assaulted the informant. This petitioner has no criminal antecedent but has been dragged in the case.

6. Learned APP opposes the prayer submitting that though direct allegation is against Chand Mahto and Chhotu Mahto, omnibus allegation is against this petitioner.

7. Taking into account the submissions of the parties as also the facts, stated above, this petitioner has no criminal antecedent and omnibus allegation is there, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner no. 2 (Hisabi Mahto @ Hisavi Mahto) be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned J.M.



1st Class, Saharsa in connection with Chiraiya P.S. Case No. 43 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner no. 2 (Hisabi Mahto @ Hisavi Mahto) who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioner no. 2 (Hisabi Mahto @ Hisavi Mahto) 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 bail bond by the Trial Court itself;

(iii) the petitioner no. 2 (Hisabi Mahto @ Hisavi Mahto) shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner no. 2 (Hisabi Mahto @ Hisavi Mahto) 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;



(v) the petitioner no. 2 (Hisabi Mahto @ Hisavi Mahto) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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