

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23735 of 2026

Arising Out of PS. Case No.-26 Year-2026 Thana- SIDHWALIYA District- Gopalganj

Sudish Mahto S/O Sattan Mahto R/O Village- Salempur, P.S.- Sidhwaliya,
District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 03-06-2026 The Court proceeding is being conducted through
virtual mode.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The petitioner is apprehending arrest in connection
with Sidhwaliya P.S. Case No. 26 of 2026 lodged on
01.02.2026, for the offence punishable under Sections 126(2),
115(2), 118(1), 109, 351(3), 352, 74, 76, 303(2) & 3(5) of the
Bharatiya Nyaya Sanhita, 2023.

4. As per the prosecution, FIR has been lodged against
six named accused persons including the present petitioner. The
specific allegation against the present petitioner is that he has
assaulted the informant by *farsa* due to which head injury has
been caused.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that the informant and the petitioner are agnates and the father of the petitioner is full brother of the informant. He submits that from the contents of the FIR, it become crystal clear that the dispute taken place between the parties with regard to flowing of drainage water (*nala* water) on the vacated land between both the parties' house. He submits that the petitioner has clean antecedent and the allegation of assault by *farsa* on the head of the informant is also false. He submits that on the previous occasion, the Co-ordinate Bench of this Court has called for injury report of the informant and upon perusal of the injury report of the informant namely, Bachan Mahto, it has been found that the injury is simple in nature caused by hard and blunt substance.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. It transpires to this Court that *farsa* is a sharp cutting weapon and the present dispute is between the agnates with regard to flow of drainage water (*nala* water) on the vacated land between both the parties' house.

8. As such, in the present facts and circumstances of this case considering the clean antecedent of the petitioner as



well as other aspects, let the above named petitioner be released on 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 B.N.S.S., 2023 to the satisfaction of A.C.J.M.-V, Gopalganj, in connection with Sidhwaliya P.S. Case No. 26 of 2026, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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