

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44012 of 2026

Arising Out of PS. Case No.-480 Year-2024 Thana- BIRAUL District- Darbhanga

1. Kusheshwar Mahto @ Kusesar Mahto S/o Baidnath Mahto @ Baijnath Mahto R/O Village - Jagdishpur, P.S. - Biraul, District - Darbhanga.
2. Manoj Mahto @ Manoj Kumar Mahto S/o Kusheshwar Mahto @ Kusesar Mahto R/O Village - Jagdishpur, P.S. - Biraul, District - Darbhanga.
3. Hiralal Mahto @ Hira Mahto S/o Baidnath Mahto @ Baijnath Mahto R/O Village - Jagdishpur, P.S. - Biraul, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishor Prasad
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2026 Heard learned Advocate for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Biraul P.S. Case No. 480 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 110, 117(2), 174, 303(2), 3(5) of the BNS.

3. Allegedly on the given date and time of occurrence, while informant and his wife were going to see their filed, in the meantime, they found that the petitioners along with others were indulged in quarreling among themselves due to land dispute. When the informant and his wife tried to pacify them, all of



them brutally assaulted them. It is specifically alleged that petitioners along with others have assaulted with bricks over the head and hand of the informant due to which he sustained injury. There is further allegation against other co-accused persons of causing assault and snatching of valuables.

4.Learned Advocate for the petitioners submitted that from the FIR it is evident that the alleged occurrence took place on 11.12.2024 and the present FIR came to be instituted on 20.12.2024, after a delay of 9 days and the reason of delay has been explained that they were under treatment but that cannot be a reason for not recording his or her *fardbeyan* in the hospital by the police. It is further contended that even if the allegation is taken to be true for the sake of argument against the petitioner, the same is omnibus in nature, besides the weapon which is said to have been used by the petitioners is nothing but a brick. The petitioners are men of fair antecedent and they undertake that they will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the because of assault caused by the petitioners and others the informant has sustained grievous injury on the vital part.

6. Having considered the submissions advanced by



the learned Advocates for the respective parties and taking note of the nature of accusation levelled against the petitioners, coupled with the delay in lodging of the FIR and the petitioners having no criminal antecedent, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, -1, Biraul, Darbhanga in connection with Biraul P.S. Case No. 480 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

