

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51292 of 2026

Arising Out of PS. Case No.-260 Year-2025 Thana- KHAIRA District- Saran

Hiralal Mahto Son of Late Kharkhari Mahto Resident of Village - Fardpura,
P.S. - Khairah, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-07-2026 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Khaira P.S. Case No. 260 of 2025, lodged on 12/12/2025, under Sections 115(2), 126(2), 118(1), 109, 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against six named accused persons including the present



petitioner. Specific allegation against the petitioner is that he has attacked by knife on the elder brother of the informant on his thigh and stomach due to which bleeding has started.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that both the petitioner and informant are living in the same village. Counsel submits that from the FIR it becomes crystal that due to previous enmity the present occurrence has taken place. Counsel further submits that as per his information injury is simple in nature. Counsel submits that antecedent of the petitioner is clean and he ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he has assaulted the elder brother of the informant on his thigh and stomach by knife.

6. As injury report is not before this Court, this Court is of the view that keeping pending the bail application shall not solve any purpose.

7. Considering the nature of the allegations against the petitioner, this Court is not inclined to grant anticipatory bail. Accordingly, the prayer for anticipatory bail is refused.



8. However, it is observed that, in the event the petitioner surrenders before the learned Trial Court within four weeks from today and prays for regular bail, the learned Trial Court shall verify the nature of the injury sustained by the informant. If the injury is found to be simple in nature, the petitioner shall be released on bail on such terms and conditions as the learned Trial Court may deem fit, without being prejudiced by the present order. However, if the injury is found to be grievous in nature, the application for regular bail shall be rejected.

(Dr. Anshuman, J)

Mkr./Anshuman/

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