IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67101 of 2026

CNR No. BRHC010977602026

Arising Out of PS. Case No.-115 Year-2026 Thana- BARURAJ District- Muzaffarpur

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Kumod Mahto @ Kimod Kumar son of Makeshwar Mahto Resident of village- Muja, Ps- Deoriya and Deodiya, Dist- Muzaffarpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 05-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is apprehending arrest in connection with Baruraj P.S. Case No. 115 of 2026, dated 06.06.2026, lodged under Sections 118(1), 126(2), 115(2), 109, 351(2), 352 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS, 2023"), pending before the Court of J.M., 1st Class, Court No. 5, Muzaffarpur (West).

3. As per the prosecution, an FIR has been lodged against one unknown and four named accused persons, including the present petitioner, with the allegation that when the informant's son went to the *Jaimala* stage, the petitioner, along with one associate, intentionally attacked him twice with a

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drone. However, the informant's son saved himself by using his hand. When the petitioner attacked him for the third time with the drone, the informant's son sustained a serious injury to his eye. When the informant intervened, the other named accused persons assaulted both of them, compelling them to rush to the hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the petitioner is a drone operator and, during the course of the *Jaimala* ceremony, the drone accidentally collided with the head of the informant's son, without any intention to cause injury. Counsel further submits that although the petitioner is the owner of the drone, the same was not being operated by him at the relevant time but by somebody else, and the petitioner was not even present at the place of occurrence. Counsel further submits that there is an unexplained delay of 37 days in lodging the FIR. Counsel further submits that the informant was demanding money in connection with the said incident and, when the demand was not fulfilled, the informant lodged a false case against the petitioner. Counsel also submits that the criminal antecedent of the petitioner is clean.

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5. Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that the victim (the informant's son) has lost his vision due to the negligent operation of the drone by the petitioner. Counsel also submits that the petitioner is the operator of the drone and, due to his negligence, the victim has lost partial vision in one eye, as the drone has substantially damaged his retina, which is also acknowledged in the impugned order.

6. Considering the facts and circumstances of the present case, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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