

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68958 of 2025

Arising Out of PS. Case No.-397 Year-2024 Thana- KESARIA District- East Champaran

1. Akildeo Mahto @ Akil Mahto, S/o Amika Mahto;
2. Anand Kumar, S/o Kapildeo Mahto;
Both are resident of Village- Lohargawa, P.S.- Kesariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Adv.
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

- 4 21-01-2026 The learned counsel for the petitioners, at the very outset, submits that he shall not be pressing the application of petitioner No. 2, namely, Anand Kumar.
2. Accordingly, the application with respect to petitioner No. 2 stands dismissed as not pressed.
3. Heard the learned counsel for the petitioner No. 1 and the learned A.P.P. for the State.
4. The petitioner is apprehending his arrest in



connection with Kesariya P.S. Case No. 397 of 2024 registered for the offence(s) under Section(s) 126(2), 115(2), 118(1), 109, 352, 351(2), 303(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

5. As per the prosecution case, the informant has alleged that all the accused persons named in the F.I.R. along with seven other unknown accused persons surrounded his son and started abusing him. It is alleged that on the orders of the petitioner, the other co-accused assaulted the son of the informant. It is further alleged that one Amika Mahto gave *farsa* blow on the head of the informant, causing head injury while the other accused/Anand Kumar assaulted the son of the informant by means of iron rod, which also caused head injury to him and he fell unconscious. It is also alleged that the accused persons took away the gold chain and bracelets.

6. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and a superficial allegation of giving orders has been leveled against him. It has been submitted that the allegations as made in the F.I.R. is not corroborated by the injury report, which finds mentioned in the case diary in paragraph 58, wherein three injuries were found ; two injuries were on the head, whereas one



was on the upper lip of the son of the informant. It has further been submitted that after the examination and the radio-logical report, the injuries were found to be simple in nature and moreover, there is no allegation of assault upon the petitioner. It has lastly been submitted that the petitioner has clean antecedent.

7. The learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

8. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner No. 1, namely, Akildeo Mahto @ Akil Mahto, be released on anticipatory bail, in the event of his arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on his furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Kesariya P.S. Case No. 397 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023



(B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioner shall be his close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he has concealed his criminal antecedent, the Court concerned shall take necessary steps for cancellation of his bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

10. The application stands disposed off accordingly.

(Sourendra Pandey, J)

Praveen-II/-

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