

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76880 of 2025

Arising Out of PS. Case No.-161 Year-2025 Thana- PANAPUR District- Saran

1. Kishor Mahato Son of Late Bashdev Mahato @ Late Basa Mahato Resident of village- Laguni, P.O.- Dhenuki, P.S.- Panapur, District- Saran at Chapra-841417.
2. Harendra Mahato Son of Late Bashdev Mahto @ Late Basa Mahato Resident of village- Laguni, P.O.- Dhenuki, P.S.- Panapur, District- Saran at Chapra-841417.
3. Rajendra Mahato son of Late Bashdev Mahto @ Late Basa Mahato Resident of village- Laguni, P.O.- Dhenuki, P.S.- Panapur, District- Saran at Chapra-841417.
4. Lalo Devi wife of Harendra Mahato Resident of village- Laguni, P.O.- Dhenuki, P.S.- Panapur, District- Saran at Chapra-841417.
5. Sunita Devi wife of Rajendra Mahato Resident of village- Laguni, P.O.- Dhenuki, P.S.- Panapur, District- Saran at Chapra-841417.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Jeetendra Narayan, Adv.
For the State	:	Mr.Mohammad Sufyan, APP
For the informant	:	Mr.Tuhin Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-01-2026 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 126(2), 115, 103(1) r/w 3(5) of the Bhartiya Nyaya Sanhita.

3. As per F.I.R., on 16.05.2025 at about 11 AM, these petitioners were constructing boundary wall over the land of informant and on protest by mother of informant, they abused



and assaulted on the head of mother of informant, as a result of which, she died. It is further alleged that when son of informant namely Prem Kumar and Raju Kumar came to save her, they were also assaulted.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have been falsely implicated due to long admitted land dispute between the parties. Both parties are agnates and there are series of litigation pending between them. In fact, petitioners were constructing/repairing boundary wall over their own land, which was opposed by informant, due to which, a scuffle took place between the parties and when mother of informant came to pacify the matter, all of a sudden, she fell down and became unconscious. The post-mortem report contradicts the entire prosecution case. As per post-mortem report, the deceased died “*due to cardiopulmonary arrest due to heart disease*” and doctor has not found any external or internal injury on the person of deceased.

5. Learned A.P.P. for the State and learned counsel for the informant opposed the bail petition.

6. In the facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail



on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Saran at Chapra in connection with Panapur P.S. Case No. 161 of 2025, subject to condition as laid down under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 with further conditions:

- “(i) One of the bailors shall be close relative of the petitioners.
- (ii) Petitioners shall cooperate in the trial and shall remain physically present on each and every date, as fixed by the Court, and on their absence on two consecutive dates, without prior permission/sufficient reason, their bail-bonds shall liable to be cancelled by the Court concerned.”

(Prabhat Kumar Singh, J)

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