IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74953 of 2026

CNR No. BRHC011093052026

Arising Out of PS. Case No.-128 Year-2026 Thana- BISHANPUR District- Darbhanga

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1. Parikshan Mahto, aged about 68 years, Male, Son of Late Sidehwar Mahto @ Sideshwar Mahto
2. Rakesh Mahto @ Rakesh Kumar Mahto, aged about 36 years,, Male, Son of Parikshan Mahto,
3. Dilip Mahto, aged about 52 years, Male, Son of Ram Kishore Mahto
4. Sonu Mahto @ Sonu Kumar Mahto, aged about 28 years, Male, Son of Late Rajendra Mahto, All Resident of Village- Shivdaspur, P.S.- Bishanpur, District- Darbhanga

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Saurav Anand, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 04-11-2026 Heard Mr. Saurav Anand, learned counsel appearing on behalf of the petitioners and Mr. Md. Shakir Ahmad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Bishanpur P.S. Case No. 128 of 2026, registered for the offence punishable under Sections 189(2), 115(2), 126(2), 109(1), 351(2) and 352 of the .

3. As per the allegation made in the FIR, petitioners along with other accused persons, with an intention to kill, had allegedly assaulted the informant and his family members

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causing injuries on the different parts of their body.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. There is case and counter-case between the parties and the present case is a counterblast to Bishanpur P.S. Case No. 123 of 2026, which was lodged by the petitioners' side against the informant and others on 28.07.2026 *i.e.* on the same day the incidence occurred and after delay of two days, the informant side had given fardbeyan on 30.07.2026 and the present FIR was instituted on 08.08.2026. Both the parties, who are agnate, were involved in dispute with respect to a piece of land, due to which, an altercation took place and both the sides entered into fierce fight, in which, petitioners side had also sustained injuries and in the self-defence, petitioners may have caused some injury to the the informant and his family members, without intention. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation

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made in the FIR, there is case and counter-case between the parties and the present case is a counterblast to Bishanpur P.S. Case No. 123 of 2026, which was lodged by the petitioners' side against the informant and others on 28.07.2026. Both the parties, who are agnate, were involved in dispute with respect to a piece of land, due to which, an altercation took place and both the sides entered into fierce fight, in which, petitioners side had also sustained injuries and in the self-defence, petitioners may have caused some injury to the the informant and his family members, without intention. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Bishanpur P.S. Case No. 128 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS.

8. **The learned District Court is directed to verify**

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the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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