

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91823 of 2025

Arising Out of PS. Case No.-255 Year-2025 Thana- GAUTAMBUDHNAGAR District-
Siwan

-
1. Sana Khatoon W/o Akbar Mian @ Akbar Ali, Resident of Bahopur, P.S- GB Nagar, Dist- Siwan
 2. Akbar Mian @ Akbar Ali Son of Salim Mian, Resident of Bahopur, P.S- GB Nagar, Dist- Siwan
 3. Pradeep Mahto Son of Keshwar Mahto, Resident of Bahopur, P.S- GB Nagar, Dist- Siwan
 4. Dilip Mahto @ Dilip Kumar Mahto Son of Vishun Mahto, Resident of Bahopur, P.S- GB Nagar, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amir Alam, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-01-2026 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with G.B. Nagar P.S. Case No.255 of 2025 registered for the offences punishable under Sections 119(2), 126(2), 115(2), 118, 109, 303(2), 352 and 351(2) of the BNS, 2023.

3. Allegedly, in the morning of the fateful day, all the FIR named accused persons, including the petitioners variously armed with lathi, rod, sword and *farsa* barged into the house of the informant and started abusing her. On protest being made, it is alleged that the petitioner no.2 assaulted the informant by



means of sword and when the father-in-law of the informant came to her rescue, he was also assaulted by means of *farsa*, due to which he sustained serious injuries. There is further allegation against other accused persons of causing assault by means of other weapons, due to which the informant and her husband as well as father-in-law sustained serious injuries.

4. Learned Advocate for the petitioners contended that the genesis of the occurrence is nothing but a land dispute. In fact, the land in question was purchased by the petitioner no.1 and it is the informant and other persons, who were aggressor and they were trying to grab the said land by putting down the materials for illegal construction over the land. When the same was resisted, both the parties entered into a free fight resulting into unfortunate injuries to persons of both the sides. There is a counter version of the present case being G.B. Nagar P.S. Case No.256 of 2025 instituted against the informant and others. In the said incident, the petitioners no.1 and 2 have also sustained serious injuries. It is further contended that prior to the alleged occurrence, the petitioner no.3 has also filed an application before the Additional Collector Land Reforms, Maharajganj for the misconduct of the informant, who forcibly put down the materials over the land. So far the injuries which are allegedly



sustained to the informant and her husband is concerned, the same have been found to be simple in nature. Moreover, the injuries which are sustained to the father-in-law of the informant; though, two of the injuries have been found to be grievous in nature, but the same is caused by hard and blunt object and, as such, it does not corroborate with the allegation. It is lastly contended that the afore-noted injuries have been prepared by a private hospital and, as such, their genuineness is also suspected.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that because of the assault being made by the petitioners no.1 and 2 along with other accused persons, three persons have sustained serious injuries, out of whom one has sustained grievous injuries. Moreover, the petitioners no.2 and 3 bear one criminal antecedent as has been disclosed in para-3 of the bail application.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the genesis of the occurrence, coupled with the nature of accusation and the injury report, which suggest that the injuries have been caused by hard and blunt object; nonetheless it is



alleged that the petitioner no.2 was carrying sword and *farsa* in his hand but there is no sharp cut injury, besides there is a case and counter case and the petitioner no.2 also sustained serious injury in the said occurrence, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-IV, Siwan in connection with G.B. Nagar P.S. Case No.255 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with with further following conditions:-

(i) One of the bailors shall be the own/close family members of the petitioner.

(ii) If the petitioner is found involve in intimidating/ threatening the witnesses or the informant or would indulge in such activities in future, the informant/State shall be at liberty to file appropriate application for cancellation of his bail bond(s).

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

