

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91307 of 2025

Arising Out of PS. Case No.-409 Year-2025 Thana- PANCHRUKHI District- Siwan

1. Dinesh Mahto @ Dinesh Kumar Mahto S/O Swaminath Mahto Resident of Village - Vishambharpur, P.S. - Pachrukhi, District - Siwan
2. Rajan Mahto @ Rajan Kumar Mahto@ Rajan Kumar S/O Dhyanchand Mahto Resident of Village - Vishambharpur, P.S. - Pachrukhi, District - Siwan
3. Nitish Mahto @ Nitish Kumar Mahto S/O Dhyanchand Mahto Resident of Village - Vishambharpur, P.S. - Pachrukhi, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-01-2026 Heard learned Advocate appearing on behalf of the

petitioners and the learned Additional Public Prosecutor for the

State as well as learned Advocate for the informant.

2. After some argument the learned Advocate for the

petitioners seeks permission to withdraw the bail application of

the petitioner no. 2.

3. Permission is accorded.

4. The petitioner nos. 1 and 3 are apprehending their

his arrest in connection with Pachrukhi P.S. Case No. 409 of

2025, registered for the offences punishable under Sections

126(2), 115(2), 127(2), 303(2), 109, 351(2), 352 and 3(5) of the

Bharatiya Nyaya Sanhita, 2023.

5. Allegedly on the evening of 05.09.2025, while the



grandson of the informant was returning from his shop, in the meanwhile, the petitioners surrounded him and brutally assaulted. It is specifically alleged that petitioner no. 2 assaulted the informant's grandson over his head by means of edged weapon, due to which he sustained serious injury. It is further alleged that petitioner no. 1 snatched rupees nineteen thousand from the pocket of the informant's grandson, whereas petitioner no.3 alongwith others have assaulted him by means of *lathi* and *danda*. There is further accusation of demand of extortion for allowing the shopkeepers to run their shops.

6. Learned Advocate appearing on behalf of the petitioners submitted that the alleged occurrence took place on 05.09.2025, but the present FIR came to be instituted on 07.09.2025. Moreover, there is a counter version of the present case bearing Pachrukhi P.S. Case No. 408 of 2025, which is on earlier point of time. The injured was assaulted by co-accused Nitish as well as Dinesh, besides the petitioner no. 2 and, as such, it is very difficult to opine that whose injury has been found to be grievous. Moreover, the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the proceeding of the Court.

7. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits



that the delay has occurred as the grandson of the informant had sustained serious injury and he was taken to hospital for urgent treatment. There is a specific accusation against the petitioners is the contention of learned Advocate for the informant.

8. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the accusation levelled against petitioner nos. 1 and 3, besides the factum of case and counter case and the delay in lodging of the FIR, let the petitioner nos. 1 and 3 be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned A.C.J.M.-IX, Siwan in connection with Pachrukhi P.S. Case No. 409 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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