

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-II, BANKA

BP No. 292/2026

Chhotan Mahto

..... Petitioner

versus

The State of Bihar

..... Opp. party

Present :- Surya Kant Tiwari

Addl. Sessions Judge-II, Banka

Ld. Advocate for the Petitioner :- Sri Raiv Ranjan

Ld. Additional Public Prosecutor:- Sri Md. Zaheer Abbas

ORDER

13.05.2026 1. This bail petition filed on behalf of custody accused petitioner namely Chhotan Mahto, who is in custody since 09.03.2026, in connection with Banka P.S. Case No. 360/2025 registered under sections 126(2)m 115(2), 125, 109(1), 351, 352(2), 3(5) of B.N.S. Copy has already been served to learned APP.

2. The prosecution case, as per the FIR, in brief is that on 03.08.2025, around 6 PM, after returning from his agricultural field and asked his father to divide the land. On this matter his father Chhotan Yadav allegedly abused the informant and assaulted him on the head with an iron rod, causing heavy bleeding. Thereafter, his brother's sons namely Bachchan Kumar and Sudhir Kumar came with iron rod and also assaulted him. It is further alleged that his brother Sonu Yadav then started a tractor and drove it over him with intention of killing him, resulting in fracture to both his legs, hands and waist. His mother Kaushalya Devi and Khushaboo Devi, wife of Sonu Yadav also climbed onto the roof and began throwing bricks and stones. On hearing his cries, villagers reached the spot and rescued him, after which he was taken to Sadar Hospital, Banka, and later referred to Mayaganj, Bhagalpur.

3. Heard learned counsel for petitioner and learned APP for the state.

4. Learned counsel for petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. There is no any criminal antecedent against the petitioner. The allegations levelled against the petitioner are false and concocted. Petitioner is an old man and he is in custody since 09.03.2026.

5. On the other hand, the learned APP has opposed the bail application.

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Contd. 11.05.2026

6. Heard both sides and perused the case record. Perusal of case record, reveals that petitioner is named in FIR and there is allegation against the petitioner that he abused the informant and assaulted him on head with an iron rod. There is land dispute between the parties. Anticipatory bail of co-accused Sonu Yadav has been granted by the Hon'ble High Court, Patna. Petitioner is in custody since 09.03.2026.

7. Considering the aforesaid facts and circumstances of the case and period of custody, petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 15,000/- with two sureties of like amount each to the satisfaction of the learned court with a condition that one of the bail should be close relative.

(Dictated)

Sd/-
(Surya Kant Tiwari)
ASJ-II, Banka

Memo No..... Banka, Dated,
Copy forwarded to the court of CJM, Banka for information and needful.

(Surya Kant Tiwari)
ASJ-II, Banka