

**IN THE COURT OF PRINCIPAL SESSIONS JUDGE**  
**DISTRICT-GOPALGANJ**

**Regular Bail Petition No. 164 of 2026**

*(Arising out of Sidhwaliya P.S. Case No. 26 of 2026, registered U/S 126(2), 115(2), 118(1), 109, 351(3), 352, 74, 76 and 303(2)/3(5) of the B.N.S.)*

**In the matter of :-**

Name of the petitioner : Sattan Mahto.  
F.I.R. U/S : 126(2), 115(2), 118(1), 109, 351(3), 352, 74, 76 and 303(2)/3(5) of the B.N.S.  
Charge-Sheet U/S : not submitted.  
Counsel for the Petitioner : Shri Sharik Imam, ld. Adv.  
Counsel for the State : Shri Deo Vansh Giri, ld. P.P.

**ORDER**

**12-03-2026**

1. This Bail Application filed on behalf of above named accused-petitioner, who is in judicial custody since 16-02-2026, in connection with Sidhwaliya P.S. Case No. 26 of 2026, registered U/S 126(2), 115(2), 118(1), 109, 351(3), 352, 74, 76 and 303(2)/3(5) of the B.N.S., is put up for hearing today.

2. As per the FIR, prosecution case in brief is that on the basis of written application of the informant, Sidhwaliya P.S. Case No. 26 of 2026 has been lodged against the petitioner and others. It is inter alia alleged in the F.I.R. that on dated 29-01-2026 at about 08:20 am, owing to the dispute of drainage water, altercation took place between the parties and petitioner along with other accused persons started abusing. When informant made protest, accused Sudidh Mahato inflicted farsa blow on the head of the informant and he sustained bleeding injury on his head and he fell down and he raised alarm. On alarm, informant's daughter-in-law came to save the informant, who was attacked with farsa on her head and in order to save herself, she sustained cut and bleeding injury in her cheek and she fell down and she was again attacked with farsa and she sustained cut and bleeding injury in her cheek and she became unconscious. In the meanwhile, informant's wife came to save, accused Jagdish Mahto started assaulting her with lathi-dand and she sustained injuries and accused Jagdish Mahto tore the blouse and Sari of the informant's daughter-in-law with intention to outrage her modesty and he became half naked. It is alleged that accused Sarswati Devi took out gold chain from the informant's daughter-in-law with intention to commit theft and petitioner took out Rs. 3000/- from the pocket of the informant with intention to commit theft.

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3. It is submitted on behalf of accused/petitioner that he is innocent and has committed no offence and has been falsely implicated in this case. It is further submitted that there is no allegation of assault against the present petitioner and only allegation against him that he has committed theft of Rs. 3000/- which is false and fabricated. It is further submitted that there is no prima facie case U/S 109, 74 and 76 of the B.N.S. is made out against the petitioner. It is further submitted that petitioner and the informant are brother and there is land dispute in between them. It is further submitted that there is unexplained delay in lodging the F.I.R., which creates serious doubt. It is lastly submitted that petitioner has got no criminal antecedent and he is in custody since 16-02-2026. On such strength, prayer for bail has been made by the petitioner.

4. Heard ld. Counsel appearing on behalf of the petitioner as well as ld. P.P. for the State. Ld. P.P. for the State has opposed the prayer for bail of the petitioner.

5. Having heard both the parties and perused the case record along with case diary. From the perusal of the F.I.R as well as case diary, it transpires that although, petitioner is named in the F.I.R. against but there is no specific allegation of overt-act attributed against him rather the allegation is general and omnibus and allegation of theft against him is ornamental and there is two days delay in lodging the F.I.R. without any cogent reason. Informant and injured witnesses at para-02, 02 and 06 of the case diary have repeated the version of the prosecution and they have stated that occurrence has taken place due to the dispute of drainage water. Though, there is mention of injury reports of injured persons but opinion has been kept reserved. Para-49 of the case diary shows that petitioner has got no criminal antecedent. The petitioner appears to be in custody since 16-02-2026.

6. Considering the aforesaid facts and circumstances of this case and considering the period of custody of the petitioner and without going into the merit of the case, this court is inclined to grant bail to the petitioner and hence, the same is hereby allowed. Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the ld. Court below **subject to conditions that one of the bailors shall be close relative of the petitioner and one shall be local with further condition that petitioner will file an undertaking that he will not threat the informant, he will**

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**cooperate in the investigation or trial and he will not temper with the evidence.**

Let a copy of this order along with lower court record be sent to the ld. Lower court for information and needful.

**(Dictated)**

**(Geeta Gupta)  
Principal Sessions Judge, Gopalganj.**