

Court of Sessions Judge, Kishanganj
Anticipatory Bail Petition No. - 150 /2026
(Pothia P. S. case no. 84/ 2026)

Present : Sushant Kumar
Sessions Judge, Kishanganj

Budhdev Mahto (Petitioner)

Vs.

The State of Bihar (Opposite Party)

For the Petitioner : Shri Haider Hussain Baghi (Advocate)
For the State : Shri Pranav Kumar (P. P.)

22-05-2026

1. Heard learned counsel for the petitioner Budhdev Mahto who is apprehending his arrest in connection with Pothia P. S. case no. 84/ 2026 registered u/s 126 (2), 115 (2), 329 (4), 303 (2), 74, 308 (3), 352, 351 (2), 3 (5) of the BNS. Also heard learned P. P. for the State.

2. Prosecution case in short is that the informant submitted his written report alleging therein that his house is situated on land purchased in the name of his father. Rent of the land has been paid upto 2025 – 26. On 31-01-2026 at about 1.30 p.m. the co- accused Rajesh Kisku and Santosh Kisku along with two – three persons came to his house and stopped the informant and his labourers in painting of the house. The co- accused Rajesh Kisku told that he had demanded Rs. 10 lac earlier. In the meantime, daughter of the informant tried to make video by mobile phone. Then the co- accused Rajesh snatched her mobile phone and twisted her hand saying that he would do bad act if

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money is not paid. Both the co- accused persons ousted the informant and her daughter and put lock in the house. It is further alleged that the petitioner told several times to the informant on phone and also after coming to his house to give 30% of the cost of house to settle the matter. On 07-03-2026 there was hearing in Circle Janta Darbar and the informant was getting photo copy of his documents then at 10.00 a.m. he got information that the co- accused Rajesh and Santosh had entered his house. The informant reached there then co-accused Rajesh threatened him saying to give money as told by the petitioner. Otherwise he would lose his house and go to jail in Harijan case.

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has falsely been implicated in this case. Offences u/s 126 (2), 115 (2), 329 (4), 303 (2), 74, 308 (3), 352, 351 (2), 3 (5) does not attract against the petitioner. It has further been submitted by the learned counsel that if allegation made in the FIR against the petitioner is taken to be true then also only section 308 (3) of the BNS would make out against the petitioner and section 308 (3) BNS is bailable in nature. The petitioner has clean antecedent.

4. Learned P. P. assisted with learned counsel for the informant has opposed the prayer for anticipatory bail.

5. Perused the record and case diary. As per allegation, the co- accused persons put lock on the house of informant and demanded Rs. 10 lac and also assaulted the informant and his daughter. The allegation against the petitioner is to have stated the informant to give 30% of cost of house to settle the matter.

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Witnesses in case diary vide para 5, 6 and 7 have not stated anything against the petitioner. From para 44 of the case diary it appears that the petitioner is not accused in any other case. Statement has also been made in para 3 of the bail petition that the petitioner has clean antecedent.

6. Considering the aforesaid facts and circumstances and nature of allegation against the petitioner, the petitioner Budhdev Mahto is hereby directed to be released on bail in the event of his arrest or surrender within four weeks from today on furnishing bail bond of the amount of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned court concerned.

Dictated

Sd/-
(Sushant Kumar)
Sessions Judge
Kishanganj

Date of judgment / order	22-05-2026
Date of reserving judgment / order	22-05-2026
Uploading Date	23-05-2026
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