

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II

DISTRICT-Katihar
(A.B.P. No. 536/2026)

In the matter of

- 1. Lepu Mahto aged about 51 years, S/o Dannu Mahto**
 - 2. Vikash Mahto @ Vikash Kumar aged about 24 years, S/o Lepu Mahto**
 - 3. Puja Devi aged about 22 years, D/o Lepu Mahto**
 - 4. Dego Devi aged about 48 years, W/o Lepu Mahto**
- Above all R/o- Vill- Bishahariya, P.S.- Korha, Distt.- Katihar.**

.....**Accused/petitioners.**

Vs

State of Bihar.....Opposite Party.

Korha P.S. Case No. 475/2022

U/S- 341, 323, 324, 325, 307, 504, 506 of I.P.C.

Ld. Advocate for petitioners- Shri Vijay Kumar Jha

Ld. A.P.P. for the State- Shri Md. Azaj Alam

ORDER

30.04.2026- This anticipatory bail petition has been filed on behalf of accused-petitioners namely **1. Lepu Mahto 2. Vikash Mahto @ Vikash Kumar 3. Puja Devi and 4. Dego Devi** who are apprehending their arrest in connection with aforesaid case.

Heard the Ld. counsel Shri Vijay Kumar Jha appearing on behalf of the petitioners and Ld. A.P.P. Shri Md. Azaj Alam on behalf of the state.

According to F.I.R., prosecution case in nutshell is that on dated 22.10.2022 at about 10:00 O' clock, Complainant namely Biranchi Mahto was loading the dung on trailer. At that time, accused-petitioner namely Lepu Mahto, Vikash Mahto @ Vikash Kumar, Puja Devi and Dego Devi started saying that the land upon which the dung has been stored belongs to them and they forbade to the informant from removing the said dung. When informant told that the said land belongs to him then, accused persons started abusing to the informant and Lepu Mahto gave a blow of lathi due to which head of informant got injured. Further, all accused persons also assaulted to the informant by the means of leg and fist due to which informant got unconscious. Later on, informant was taken to P.H.C., Korha for treatment.

On the other side learned counsel for the petitioners has reiterated all the grounds taken in the bail petition and has submitted that the petitioners are having good antecedent and there is no criminal case pending against them except this one. The petitioners are quite innocent and have committed no offence at all. There is no any eye witness to show the above occurrence in the entire F.I.R. The allegations are general and omnibus and nothing specific has been attributed against the petitioners. The F.I.R. has been instituted after a delay of 01 day after thought and due deliberation to falsely implicate the petitioners on account of previous enmity. Nothing has been specifically alleged against the petitioners and injury if any is not attributed against any of them. No injury has been caused on the vital part of the body of the husband of the informant and others and no repeated blow of sickle, lathi has been alleged on the part of the Petitioner No. 01. There is a land dispute going on between the informant of the said case and the

petitioners in this case. From perusal of the F.I.R., it transpired that there is nothing as against the petitioners. The entire prosecution case is false, baseless, concocted and surmises. Accordingly, it has been prayed to allow the said anticipatory bail petition.

Per contra, Learned A.P.P. has vehemently opposed the prayer for anticipatory bail.

Heard both parties and perused the case record. From the perusal of the case record it is evident that, during the investigation, accused-petitioner namely Lepro Mahto was granted bail by the Ld. Trial Court. While, after due investigation, I.O. submitted charge-sheet only against the accused-petitioner namely Lepro Mahto. While, other accused-petitioners were not sent up and they were shown to be innocent. But later on, Ld. Court took the cognizance in this case U/s- 341, 323, 324, 325, 307, 504, 506 of I.P.C. against all the aforesaid named accused persons. While, from perusal of the injury report it appears that injury sustained by informant has been reported to be grievous in nature, however, the doctor has not opined that the said injury was dangerous to life. So, this fact reduces the severity of the allegation at this stage of consideration of bail. Further, accused-petitioner namely Lepro Mahto was on bail prior to taking of cognizance and there is no allegation from the prosecution side that he has misused the privilege of bail or violated any condition of the bail bond. While, there is no specific allegation against the petitioner namely Vikash Mahto @ Vikash Kumar, Puja Devi and Dego Devi and as per bail petition, petitioner has no bad antecedent.

So having considered the above facts and submissions made by the Ld. Counsel for the petitioners, the instant anticipatory bail petition is hereby allowed and accordingly it is ordered to release the petitioners namely **1. Lepro Mahto 2. Vikash Mahto @ Vikash Kumar 3. Puja Devi and 4. Dego Devi** on bail in the case of surrender/arrest within three weeks of this order on furnishing of bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court concerned subject to the condition as mentioned in the section 438 (2) of Cr.P.C.

**Addl. Sessions Judge-II
Katihar**

Date of Order	30.04.2026
Date of Reserving Order	N/A
Uploading Date	03.06.2026
Uploaded By	Prakash Kumar Singh, Steno D.A.S.J.-II, Katihar