In the Court of Sessions Judge, Hazaribagh
Anticipatory Bail Petition No. 849/2026
CNR No. JHHB01-003899-2026
Jagdish Mahto & Anr. V/S State of Jharkhand

Sl. No.	Date of order of proceeding	Order with Signature of the court	Office notic da
1	2	3	
	07.07.2026	Instant anticipatory bail petition has been filed on behalf of petitioners, **1. Jagdish Mahto 2. Lilaman Mahto and 3. Nirmal Kumar,** who are apprehending their arrest, in connection with Barkagaon P.S.Case No. 60/2026, registered for the offences U/s 331, 126(2), 115(2), 118(1), 109(1), 3(5) of B.N.S pending in the Court of Abhinaw Kumar, J.M.F.C., Hazaribagh. At the time of hearing, Ld. Counsel Mr. Binedshwari Das Avocate, appearing on behalf of the petitioners, filed a withdrawal petition and prayed to withdraw the bail of petitioner Jagdish Mahto on medical issues. The copy of the petition has already been supplied to the learned P.P. for the State, who has no objection in accepting the prayer of the withdrawal of the bail petition of accused Jagdish mahto. Accordingly, considering the submissions of the learned counsel, prayer for withdrawl is allowed and bail petition filed on behalf of the accused/petitioner ***Jagdish Mahto*** is ***dismissed as withdrawn***. The bail petition filed on behalf of the accused petitoners **Lilaman Mahto & Nirmal Kumar,** has been pressed by the learned counsel in presence of the learned PP for the state. The prosecution case, in brief, as disclosed in the written report of the informant, Balgovind Mahto, is that on 23.04.2026 at	

	<u>Continued</u> **07.07.2026**	about 10:00 A.M., while the informant was alone at his residence, the petitioners forcibly entered his house and, with the intention to kill him, assaulted him with sticks and an iron rod. It is further alleged that the informant was brutally assaulted, resulting in 10–12 stitches on his head and internal injuries to his left leg and left arm. Hence, the present case. Learned counsel for petitioners submitted that the petitioners are innocent and have not committed any offence. It has been contended that they have been falsely implicated in the present case. It is further submitted that the instant case is a counterblast to Barkagaon P.S. Case No. 64 of 2026, which was instituted on the basis of the *fardbeyan* of petitioner, Lilaman Mahto, wherein it has been alleged that he was brutally assaulted by the informant of the present case on account of making objection in closing the common passassage of parties. It is further submitted that the present prosecution has been maliciously instituted only as a retaliatory measure. Lastly, learned counsel prayed that the petitioners be granted the privilege of anticipatory bail. Learned Public Prosecutor opposed the prayer for anticipatory bail. Having heard the learned counsel for the petitioners as well as the learned Public Prosecutor for the State and upon perusal of the Case Diary, it transpires that the petitioners are named accused in the F.I.R. The informant, in his re-statement recorded in paragraph	

	Continued **07.07.2026**	2 of the Case Diary, and the witnesses examined in paragraphs 3 and 4 thereof, have supported the allegations made in the F.I.R. It further appears that, according to the prosecution case, three accused persons assaulted the informant with an iron rod and other weapons. However, from the injury report collected during the investigation (vide paragraph 36 of the Case Diary), it appears that the Medical Officer found only one stitched wound over the parietal region of the scalp with bruise over left theigh and swelling over the left elbow. The N.C.T. scan of the head and the X-ray examination were reported to be normal and nature of injuriews has been found to be simple. The Medical Officer has not mentioned the dimensions of the alleged injuries in the injury report. It further transpires that there exists a counter case, namely, Barkagaon P.S. Case No. 64 of 2026, instituted by accused Lilaman Mahto against Balgovind Mahto, the informant of the present case, and one Pawan Kumar. In the said case, it has been alleged that the informant of the present case had raised a wall over a common passage and, upon being questioned regarding such alleged illegal construction, the informant party assaulted Lilaman Mahto and caused injuries to him. A copy of the injury report issued by Sheikh Bhikhari Medical College and Hospital, annexed with the bail application, indicates that Lilaman Mahto	

	<u>Continued</u> **07.07.2026**	sustained a fracture of the left ulna. Thus, prima facie, the materials available on record suggest that the occurrence was a free fight between both sides arising out of a civil dispute. The injuries sustained by the informant in the present case have, prima facie, been found to be simple in nature by the Medical Officer. The occurrence also appears to have arisen out of a petty dispute. Learned counsel for the petitioners has undertaken that the petitioners shall cooperate with the investigation. It further appears from the Case Diary that the petitioners have no criminal antecedents. Considering the nature of the allegations, the materials available on record, the existence of the counter case, the absence of criminal antecedents, and the facts and circumstances of the case, I am of the considered view that this is a fit case for extending the privilege of anticipatory bail. Accordingly, the petitioners, namely, ***Lilaman Mahto*** and ***Nirmal Kumar***, are directed to be released on anticipatory bail in the event of their arrest or surrender before the learned Trial Court within fifteen (15) days from the date of this order, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties of the like amount each, to the satisfaction of the learned Trial Court, subject to the conditions prescribed under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). It is further directed that one of the bailors shall be a close	

	<u>Continued</u> **07.07.2026**	relative of each petitioner. The petitioners shall file a written undertaking before the learned Trial Court that they shall cooperate with the investigation, shall not commit any offence of a similar nature, shall furnish photocopies of their Aadhaar Cards along with their respective mobile numbers, shall keep the said mobile numbers active, and shall not change the same without prior permission of the learned Trial Court during the pendency of the case. **(Dictated)** **Sd/-** (Dhruva Chandra Mishra) Sessions Judge,Hazaribagh J.O.Code-JH00403 Memo No. .....Dated..... Copy forwarded to the court concerned for information and needful. Serishtedar I/c	

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