

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5702 of 2025

Arising Out of PS. Case No.-185 Year-2024 Thana- DEEPNAGAR District- Nalanda

1. Mangal Mahto Son of Anil Mahto @ Paidal Mahto
2. Anil Mahto @ Paidal Mahto Son of Munnu Mahto

Both are Resident of Village - Sriram Nagar, P.S. - Deepnagar, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Deepnagar P.S. Case No.185 of 2024, F.I.R. dated 08.06.2024 registered for the offence punishable under Sections 341, 323, 307, 504, 506, 34 of the IPC and under Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on 08.06.2024 at about 09:00 O'clock, son of the informant had taken his buffalo for grazing at field near ITI, College and due to previous



enmity, all the accused persons including the petitioners with common intention started abusing and assaulting and told him to go away with his buffalo from there otherwise he would be killed. Then, the informant's son started to go with his buffalo upon this, accused opened fire with intent to kill the informant's son which hit below the chest of his son. After that, immediately the informant brought him Sadar Hospital. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have falsely been implicated in the present case. Further submits that although the petitioners are named in the FIR, but from perusal of the FIR it appears that there is no accusation of any assault or overt act is attributed against the petitioners, rather there is specific allegation the co-accused, Munna Mahto who has opened fire upon the son of the informant and he has received the injury. Learned counsel for the petitioners next submit that there is previous dispute between them and there is case and counter case between them.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners stating that the petitioners are named in the FIR, apart from that petitioners are carries one criminal antecedent other than the present one.



6. Considering the aforesaid facts that there is no accusation of any assault or overt act is attributed against the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Deepnagar P.S. Case No.185 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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