

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19290 of 2025

Arising Out of PS. Case No.-114 Year-2024 Thana- BANGARA District- Samastipur

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1. Manish Kumar Jha @ Manish Jha @ Mintu Jha S/O Pasupati Jha @ Pashupati Jha R/O Village - Akhtiyarpur Chandauli, Police Station - Waini, District - Samastipur.
 2. Raushan Kumar @ Raushan Singh S/O Ram Lal Singh R/O Village- Chakhaji, P.S- Karpoorigram, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Pratap, Advocate
For the Opposite Party/s	:	Mr. Narsingh Tanti, APP
For the Informant	:	Mr. Rabish Kumar, Advocate
		Mr. Adarsh Gaurav, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-04-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. Learned Counsel for the informant, who has appeared *suo motu* submits that he has filed soft copy of Vakalatnama as well as hard copy of the same today itself before the Registry. As such, he seeks permission to argue on behalf of the informant.

3. Permission is granted.

4. Learned Counsel for the petitioners submits that anticipatory bail application of petitioner No.1 has become infructuous due to his arrest during the pendency of the present



application. As such, he is pressing anticipatory bail application of petitioner No.2 only.

5. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to petitioner No.2, who apprehends arrest in connection with National Highway Bangara P.S. Case No. 114 of 2024, lodged on 30.08.2024, under Sections 126(2)/115(2)/109/303(2)/304(2)/352/351(2)/74/308(5)/3(5) of the Bhartiya Nyay Sanhita, 2023 and under Section 27 of the Arms Act.

6. As per the prosecution, FIR has been lodged against 12 named accused persons including the present petitioner against whom allegation is of abuse and extortion of money on gun point.

7. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that there is no allegation against the petitioner rather general and omnibus allegation is there in the FIR. He further submits that antecedent of the petitioner is clean and two other similarly situated co-accused persons have been granted anticipatory bail by a coordinate Bench of this Court vide order



dated 20.03.2025 passed in Cr. Misc. No.5764 of 2025. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

8. Learned Counsel for the informant vehemently opposes the prayer for bail and submits that the process under Section 82 of the Cr.P.C. has already been issued against the petitioner and other co-accused persons vide order dated 17.02.2025 and process has been issued on 19.02.2025. Counsel submits that antecedent of the petitioner is also not clean. He has suppressed the fact that his antecedent is not clean.

9. Upon perusal of the order for issuance of process under Section 82 Cr.P.C., it transpires to this Court that on 05.02.2025 N.B.W. was issued and just after 15 days process under Section 82 Cr.P.C. was also issued. The petitioner was under process of availing anticipatory bail and his anticipatory bail application was rejected only on 21.02.2025 and within 30 days he has moved before this Court and handed over his Vakalatnama to the Counsel on 4th March, 2025.

10. Learned APP for the State opposes the prayer for bail of the petitioner and submits that two similarly situated co-accused persons have been granted bail by a coordinate Bench



of this Court vide order dated 20.03.2025 passed in Cr. Misc. No.5764 of 2025.

11. In this background, let petitioner No.2, above named, be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Judicial Magistrate, 1st Class, Samastipur, in connection with National Highway Bangara P.S. Case No. 114 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

12. It is made clear that in case the informant produce the criminal antecedent of petitioner No.2 before the Trial Court, in that case the petitioner No.2 shall not be released on anticipatory bail.

(Dr. Anshuman, J)

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