

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23203 of 2025

Arising Out of PS. Case No.-1680 Year-2024 Thana- PHULWARISHARIF District- Patna

Mahabir Mahto @ Mahabir Kumar, aged about 24 years, Male, S/o Raj Kumar Mahto @ Raja Mahto Resident of Sangat Satgalia, P.S.- Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Yadav, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-04-2025 Heard Mr. Ganesh Prasad Yadav, learned counsel appearing on behalf of the petitioner and Mr. Md. Mushtaque Alam, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Phulwari Sharif P.S. Case No. 1680 of 2024 registered for the offence(s) punishable under Sections 126(2), 115(2), 109, 352 and 3(5) of the BNS and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, the accused persons named therein including the petitioner have assaulted the informant, as a result of which, she sustained injuries. Specific allegation against petitioner is that he fired upon the informant but the same did not hit her.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case due to dispute relating to drainage. There is general and omnibus allegation against the petitioner. He further submitted that petitioner has given specific statement in paragraph no.10 of the bail application that on perusal of the injury report, it appears that injury sustained by the informant is simple in nature.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioner and also the fact that it has been informed by learned counsel that injury sustained by the informant is simple in nature, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-IV, Patna in connection with Phulwari Sharif P.S. Case No. 1680 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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