

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22909 of 2025

Arising Out of PS. Case No.-278 Year-2024 Thana- BAKHARI District- Begusarai

Manoj Mahto @ Manoj Mahton S/o Late Parmeshwar Mahto @ Parmeshwar
Mahto R/o Village- Karaitnr, P.S.- Bakhari, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Adv.

For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 02-05-2025 Heard Mr. Ranjit Kumar Thakur, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bakhari P.S. Case No. 278 of 2024 for the offence under sections 126(2), 115, 352, 109, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. The case of the prosecution, in short, is that the informant at about 7 O'clock on 13.07.2024, he was going to his house after finishing the work at his field. In the meantime, Nand Kumar Mahton, Manoj Mahto (petitioner), Nitish Kumar and Tilo Kumar stopped the informant near their house and committed *Maar-Peet* with him. All the accused persons attacked the informant with intention to kill him. Petitioner, Manoj Mahto caught the waist of the informant and started assaulting him with *Lathi-Danda*. Co-accused, Nand Kumar



Mahto assaulted on the head of the informant with the butt of the pistol with intention to kill him causing fracture in his head and blood started oozing out. When the family members of the informant came, the informant, anyhow, was saved and the accused persons threatened him of dire consequences. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has falsely been implicated in this case and there is one criminal antecedent against the petitioner where he has been made accused in Bakhari PS Case No. 49/2018 under section 30(a) of the Bihar Prohibition & Excise Act in which he is on bail. It has further been submitted that the entire prosecution story is false and concocted and is based on conjecture and surmises. Learned counsel also submits that the petitioner as well as the informant are of the same village and there is a land dispute between them. He also submits that there is a general allegation against the petitioner and there is no specific allegation against him of having assaulted the informant. On this ground, the petitioner may be granted anticipatory bail.

5. Learned APP appearing for the State has opposed the prayer for anticipatory bail.

6. Upon careful consideration of the allegations made



in the FIR, this Court finds that there is no specific allegation against the petitioner of having assaulted the informant on the head. The allegation of assault on the head of the informant is on one Nand Kumar Mahton, another co-accused. Also given the fact that in the impugned order, it has been noted that the injury sustained by the informant is simple in nature.

7. Considering all the facts and circumstances of the case, this Court is inclined to extend the petitioner the privilege of anticipatory bail.

8. Let the petitioner, above named, be released on bail, in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 25,000/- (Twenty Five thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. Accordingly, the present application for anticipatory bail stands allowed.

(Alok Kumar Sinha, J)

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