

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26820 of 2025**

Arising Out of PS. Case No.-45 Year-2025 Thana- BIBHUTIPUR District- Samastipur

1. Mukesh Kumar S/o Rajendra Mahto Resident of Village- Kodariya, P.S- Bibhutipur, District- Samastipur
2. Ganesh Kumar Mahto @ Ganesh Kumar S/o Sita Ram Mahto Resident of Village- Kodariya, P.S- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                |
|----------------------|---|----------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Shishir Kumar Shishir, Adv.<br>Mr. Binod Kumar Sinha, Adv. |
| For the State        | : | Mr. Upendra Kumar, APP                                         |

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

3      11-07-2025              Heard learned counsel for the petitioners and learned APP  
for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 109, 3(5) of the B.N.S. and Section 25(1-B)a, 26, 27, 35 of the Arms Act.

3. The allegation in the FIR is that the informant was intercepted by five persons and subsequently, it has been alleged that eight persons indulged in hurling abuses and assault and thereafter, when the villagers assembled, co-accused Akhilesh Kumar and Raju Kumar opened fire upon the informant. The pistol was, however, snatched away by the villagers.



4. Learned counsel for the petitioners submits that there is general and omnibus allegation against eight accused persons and the petitioners are among them. It is also submitted that there is a land dispute between the parties and a title suit bearing Title Suit No. 76 of 2009 is also pending between them. It is further submitted that there is specific allegation of opening fire on Akhilesh Kumar and Raju Kumar and not against these petitioners. However, no one has been injured in the entire incident and so far as the recovery of the country made pistol and bullet cover is concerned, the same has been made from Akhilesh Kumar and Raju Kumar.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

6. Considering the entire facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioners who have no criminal antecedent. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bibhutipur P.S. Case No. 45 of 2025,



subject to the condition as laid down under Section 438 (2) of  
the Cr.P.C/ 482 (2) of the BNSS, 2023.

**(Soni Shrivastava, J)**

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