

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27748 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- ADAPUR District- East Champaran

1. Shyam Mandal @ Shyam Babu Kumar S/O Vijay Kumar R/O Village- Gulariya, P.S- Adapur, Distt.- East Champaran.
2. Hari Narayan Mahto @ Hari Narayan Mandal @ Raja Mandal @ Bachcha Mahto @ Hari Narayan Kumar S/O Vijay Kumar R/O Village- Gulariya, P.S- Adapur, Distt.- East Champaran.
3. Dhananjay Mahto @ Dhananjay Kumar Mandal S/O Manoj Kumar R/O Village- Gulariya, P.S- Adapur, Distt.- East Champaran.
4. Manoj Mahto @ Manoj Kumar S/O Jaykaran Mahto R/O Village- Gulariya, P.S- Adapur, Distt.- East Champaran.
5. Ashok Mandal @ Ashok Mahto S/O Jayakaran Mahto R/O Village- Gulariya, P.S- Adapur, Distt.- East Champaran.
6. Ashutosh Mandal @ Ashutosh Kumar S/O Manoj Kumar R/O Village- Gulariya, P.S- Adapur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Adv
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 07-05-2025 Learned counsel for the petitioners submits that during pendency of the present application, petitioner no. 2 has been arrested and his prayer for anticipatory bail has become infructuous. As such, he seeks permission to withdraw his application.

2. Accordingly, the anticipatory bail application with regard to petitioner no. 2, Hari Narayan Mahto @ Hari Narayan Mandal @ Raja Mandal @ Bachcha Mahto @ Hari Narayan



Kumar stands dismissed as withdrawn.

3. So far as petitioner no. 1 and petitioner nos. 3 to 6 are concerned, they apprehend their arrest in connection with Adapur P.S. Case No. 19 of 2025, registered for the offence punishable under Sections 126(2), 115(2), 109, 303(2), 329(3), 329(4), 352 and 353(2) read with Section 3(5) of B.N.S.S.

4. The case of the prosecution, in short, is that the informant has taken Rs.40,000/- from his co-villager Ashutosh Mandal @ Antosh Mandal six months ago at 4% and had given silver Hasuli as mortgage. On 04-01-2025, the informant has given Rs.49,500/-to Ashutosh Mandal in presence of Prasa Mahto and Jeepa Mandal and Ashutosh Mandal assured that silver hasuli (40 bhar) will be returned tomorrow. On 05.01.2025 at about 08:30 A.M., when the informant went to the house of accused Ashutosh Mandal to demand his silver hasuli, accused Ashuosh Mandal started abusing. When the informant raised objection, he took out country made pistol and in the meantime, his family members, namely, Manoj Mahto, Dhananjay Mahto, Harinaraya @Bachacha Mahto, Raja Mandal, Shyam Mandal and Ashok Mandal armed variously, came and started assaulting the informant. Ashutosh Mandal assaulted the informant with butt of country made pistol on his



head with intention to commit murder, he fell down and blood started oozing. Manoj Mahto assaulted Radhe Shyam Mahto and Vinod Mahto, who came to save the informant. Hari Narayan Mandal attacked on Vinod Mahto with knife causing cut injury and took out Rs. 3500/- from the pocket of Radhe Shyam Mahto and assaulted him.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The petitioners and informant are neighbours and the petitioners have falsely been implicated in the present case due to dispute between them regarding local panchayat election. There is inordinate delay of six days for which no plausible explanation has been given.

6. Learned A.P.P. for the State opposes the prayer of anticipatory bail.

7. Considering the fact that the allegation against the petitioner no. 1 and petitioner nos. 3 to 6 is of assaulting the informant and two other persons, namely, Radhe Shyam Mahto and Vinod Mahto However, from perusal of the injury report, it appears that none of the injury is on the vital part of the body and also the injury is simple in nature. Under these circumstance, this Court is inclined to grant privilege of



anticipatory bail to petitioner no. 1 and petitioner nos. 3 to 6.

8. Let the petitioner no. 1 and petitioner nos. 3 to 6, named above, in the event of their arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Raxaul East Champaran in connection with Adapur P.S. Case No. 19 of 2025, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

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