

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28844 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Bhulthu @ Bholtu @ Mohit Kapar @ Mohit Kumar Son of Kamtu Kapar
Resident of Village - Bhuidhara Sonbarsha Chowk, P.S.- Muffasil, District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2025 Heard Mr. Santosh Kumar, learned counsel for the

petitioner and Mr. Satya Nand Shukla, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Samastipur Muffasil P.S. Case No. 18 of 2025,
F.I.R. dated 10.01.2025 for the offences punishable under
Sections 126(2), 115(2), 109(2), 303(2) and 3(5) of the Bhartiya
Nyaya Sanhita, 2023.

3. According to prosecution case, all the accused
persons including this petitioner assaulted the informant and his
family members. They started vandalising the informant's house
and when the informant's mother protested then all the accused
persons assaulted with her and co-accused Haldar Kapar fired



upon the informant's brother and also assaulted him by means of brick and snatched his gold chain.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that although the petitioner is named in the F.I.R but from perusal of the F.I.R it appears that there is no specific allegation of assault attributed against the petitioner rather the specific allegation of assault is against the co-accused, namely, Halдар Kapar. He further submits that similiary situated co-accused persons, namely, Shankar Kapar and Krishna Kapar @ Krishna Kumar Kapar have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 30.04.2025 passed in Cr. Misc. No. 23983 of 2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no specific allegation of assault against this petitioner and the similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench this Hon'ble Court, let the petitioner, above named, in the event of arrest or surrender before the court



below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge V cum Additional Chief Judicial Magistrate II, Samastipur in connection Samastipur Muffasil P.S. Case No. 18 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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