

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32099 of 2025

Arising Out of PS. Case No.-402 Year-2014 Thana- MUFFASIL District- West Champaran

MUNNA KUMAR MAHTO @ MUNNA MAHTO S/O LATE KARI
MAHTO Resident of village- Barwat, Prasrain, PS- Bettiah Muffasil, District-
West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-08-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Bettiah Muffasil P.S. Case No. 402 of 2014, registered for the offences punishable under Sections 147, 148, 149, 188, 355 of the Indian Penal Code and 3/4 of the Prevention of Damage to Public Property Act.

3. Allegedly the petitioner along with other accused persons and 100 unknown persons by forming an unlawful assembly protested the construction of a Hostel in the premises of ITI and damaged the public property.

4. Learned Advocate for the petitioner submitted that there is omnibus nature of allegation against the petitioner and others and, as such, he has been extended the benefit of Section



41(1) of the Cr.P.C. and no summons has ever been issued but all of a sudden, in the year 2024 a process under Section 82 Cr.P.C. has been issued which compelled the petitioner to approach this Court seeking anticipatory bail. It is further contended that had the petitioner been served with summons, he would have certainly approached the Court but there is no material suggesting any requisition has ever been served.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the petitioner was accorded the benefit of Section 41(1) Cr.P.C. long back on 22.02.2015 and thereupon the police has submitted charge sheet and the learned jurisdictional court took cognizance for the alleged offences vide order dated 08.02.2016 and since then the case is pending for appearance of the petitioner and on 02.01.2023 non bailable warrant has been issued and execution report was received which shows that the petitioner was found absconding; whereupon process under Section 82 Cr.P.C. has been issued.

6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of the fact that cognizance was taken way back in the year 2016 and despite process issued, the petitioner did not choose to surrender or



approach before the concerned court, that apart the petitioner has also two criminal antecedent, this Court is not acceded to the prayer for grant of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Harish Kumar, J)

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