

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34455 of 2025

Arising Out of PS. Case No.-83 Year-2025 Thana- DAWATH District- Rohtas

1. Brijlal Mahto @ Brijlal Singh S/O Mahesh Mahto @ Mahesh Singh Resident of Village- Kawai, PS- Dawath Distt- Rohtas at Sasaram
2. Vinay Kumar @ Tinayak Kumar S/O Bisheshwar Singh Resident of Village- Kawai, PS- Dawath Distt- Rohtas at Sasaram
3. Vinayak Kumar S/O Bisheshwar Singh Resident of Village- Kawai, PS- Dawath Distt- Rohtas at Sasaram
4. Dheeraj Kumar Singh @ Dheeraj Kumar S/O Narad Mahto @ Narad Muni Singh Resident of Village- Kawai, PS- Dawath Distt- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Dawath P.S. Case No. 83 of 2025 registered for the offences punishable under Section 126(2), 115(2), 308(3), 140(3), 303(2), 352, 351(2), 3(5) of B.N.S.

3. As per prosecution case, petitioners and others came to the informant Tempo and started threatening and they demanded Rs. 50,000/-. It is alleged that Vinayak Kumar (Petitioner No. 3) has shown his weapon and Dhiraj Kumar



(Petitioner No. 4) caught the hand of informant and dragged him from Tempo, thereafter, tied his hands behind the back and blindfolded him and dragged him to Kawai village and took away gold locket and Rs. 2,500/- from his pocket.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Petitioner No. 1 and Petitioner No. 4 bear no criminal antecedent and Petitioner No. 2 and Petitioner No. 3 bear one criminal antecedent in which they are on bail. Learned counsel further submits that allegations against the petitioners are vague. Petitioners are not found at the place of occurrence. No incriminating article has been recovered from the physical and conscious possession of the petitioners. Learned counsel orally submits that the occurrence took place on 13.03.2025 and the F.I.R. was lodged on 17.03.2025 i.e. after four days and proper explanation has not been given by the informant about the aforesaid delay in lodging the F.I.R. which questions the authenticity of the prosecution story. There is a case and counter case between the parties and the present case is nothing but a counter blast of Dawath P.S. Case No. 82 of 2025 which has been lodged by father of petitioner no. 3 and where there is a case and counter case, facts are generally exaggerated. On the



basis of previous dispute between the informant and petitioners, the petitioners have falsely been implicated in the present case. It has been orally submitted by the learned counsel for the petitioners that petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, case and counter case between the parties, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bikramganj, District Rohtas in connection with Dawath P.S. Case No. 83 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial



court bringing to its notice that the petitioners despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Alok Kumar Pandey, J)

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