

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36996 of 2025

Arising Out of PS. Case No.-265 Year-2018 Thana- MADANPUR District- Aurangabad

1. Nawal Kumar Mahto @ Nawal Mahto S/o Late Janeshwar Mahto Resident of Village Parora PS Madanpur, Distt. Aurangabad
2. Basanti Devi W/o Nawal Mahto Resident of Village Parora PS Madanpur, Distt. Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Sagar

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-06-2025 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Madanpur P.S. Case No. 265 / 2018 dated 20.10.2018 registered for the offence under Section 341, 323, 308, 504, 506 / 34 of the I.P.C.

3. As per the first information report on 20.10.2018 while the informant was talking with her 'nanad' - Lalita Devi, in the meanwhile, the accused persons including the petitioners came and started abusing. It is further alleged that the petitioner no. 1 / Nawal Kumar Mahto assaulted her with iron rod causing head injury. The co-accused / Amar Kumar and Avinash Kumar assaulted Bhuchendra Kumar and Ramdhyan Mahto with iron



rod and Rajeshwar Mahto assaulted Sampat Kumar with 'lathi'.
The accused persons assaulted Lalita Devi who was pregnant at that time.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged. There is general and omnibus allegation against the petitioner no. 2. The injury inflicted by the petitioner no. 1 to the informant with iron rod on her head is simple in nature. He further submits that Police after investigation has submitted charge sheet and the learned court below took cognizance under Section 341, 323, 308, 504, 506, 34 of the I.P.C. on 06.12.2024.

5. Learned counsel further submits that taking into account the above fact, the Police has granted bail to the petitioners and the petitioners are at present on police bail.

6. After having heard learned counsel for the parties and taking into consideration the law laid down by this Court in the cases of Mahendra Prasad Singh versus The State of Bihar reported in 2004(3) PLJR 491 and Ram Vilas Singh versus The State of Bihar reported in 2008(3) PLJR 253, this application for anticipatory bail is not maintainable inasmuch as this Court has held that since the case was initially for non bailable offences wherein the petitioners were taken into custody and then



released on bail by the Police, an application for anticipatory bail on the ground that they have an apprehension of arrest in the same case cannot be held to be maintainable and petitioners must honour the terms of police bail and appear before the court below without any delay.

7. Accordingly, this application is disposed of with direction that the petitioners shall appear before the learned District Court within a period of four weeks from today, whereupon, the court below shall consider their prayer for bail in accordance with law keeping in view the well established principle that a person who is already on bail shall not be denied such privilege unless there is any allegation of misuse of the same.

(Anil Kumar Sinha, J)

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