

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44280 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- NIMCHAKBATHANI District- Gaya

1. Anil Mahto @ Anil Prasad, S/O Ramji Mahto @ Rama Mahto @ Ramji Prasad, R/O Village- Bahorma Bazaar, P.S- Neemchak Bathani, Distt.- Gaya.
2. Arvind Kumar @ Mukhiya Ji, S/O Ramji Mahto @ Rama Mahto, R/O Village- Bahorma Bazaar, P.S- Neemchak Bathani, Distt.- Gaya.
3. Ajay Kumar, S/O Ramji Prasad @ Rama Mahto, R/O Village- Bahorma Bazaar, P.S- Neemchak Bathani, Distt.- Gaya.
4. Hari Mahto, S/O Late Ramkishun Mahto, R/O Village- Bahorma Bazaar, P.S- Neemchak Bathani, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sinha, Advocate
		Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-11-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Neemchak Bathani P.S. Case No. 47 of 2025 registered for the offences under Sections 126(2), 115(2), 109(2), 303(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly on the fateful day, while the informant was coming with one Sarvan Yadav on his motorcycle, in the meanwhile, all the F.I.R. named accused persons, including the



petitioners, along with 4-5 unknown persons, surrounded them and brutally assaulted. It is further alleged that co-accused Rama Mahto and others have also snatched the valuables.

4. Learned Advocate for the petitioners submitted that in fact on account of a land dispute, both the parties have entered into a free fight, resulting into injuries to the persons of both the sides. There is a counter version of the occurrence, bearing Neemchak Bathani P.S. Case No. 46 of 2025, instituted on the earlier point of time, against the informant and others. Both the informant and one Sarvan Yadav sustained injuries, but by means of hard and blunt substance. So far the nature of the injury of informant is concerned, the same has been found to be simple in nature. More so, the opinion regarding nature of injury of Sarvan Yadav, is still reserved. It is submitted that the petitioners are men of fair antecedent, but during the course of investigation, in the case diary, it has come that petitioner no.4 (Hari Mahto) is facing one criminal antecedent of the year 2002, in connection with Neemchak Bathani P.S. Case No. 30 of 2002. The petitioners undertake that they will fully cooperate in the investigation as well as the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the



petitioners had actively participated in the crime and brutally assaulted the informant and his friend.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of omnibus nature of allegation and the factum of case and counter case, coupled with the fair antecedent of the petitioners, except petitioner no.4, who is facing one criminal antecedent, but of the year 2002, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class Gaya in connection with Neemchak Bathani P.S. Case No. 47 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further conditions:

(i) one of the bailors shall be the own/close relative of the petitioners.

(ii) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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