

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52179 of 2025

Arising Out of PS. Case No.-191 Year-2016 Thana- JAGDISHPUR District- Bhojpur

1. Kishan Mandal S/O Depo Mandal R/O Village- Rupauli, P.S.-Jagdishpur, District- Bhagalpur.
2. Ramdev Mandal @ Ramdeo Mandal S/O Depo Mandal R/O Village- Rupauli, P.S- Jagdishpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sauravh Singh, Adv.

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehend their arrest in connection with Jagdishpur P.S. Case No.191 of 2016, for the offences punishable under Sections 147, 148, 149 and 302 of the IPC read with section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against 6 named and 3 unknown accused persons including the present



petitioners against whom there is allegation of firing due to which death has been caused.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that upon perusal of the fardbeyan, petitioners have not act or overt act save and except, they were the order giver. He further submits that investigation has been completed and during investigation, final form has been submitted against the petitioners and no trial began against the petitioners. He further submits that against the charge-sheeted accused persons, the sessions trial has commenced and subsequently after contest, 2 accused persons were convicted.

5. Counsel further submits that against the said order of cognizance, the informant has preferred criminal revision and upon perusal of the criminal revision, the revisional court has pleased to direct the trial court to peruse the document and pass order afresh on cognizance and therefore, the cognizance order has been passed afresh considering the material in which cognizance has been taken against the present petitioners on 15.02.2023. Thereafter, the present petitioners have moved for anticipatory bail before the sessions court where their bail application has been rejected on 06.06.2025 and then they



moved before this Hon'ble Court.

6. Counsel further submits that it is a simple case against the petitioners where no act or overt act against them. But subsequently, cognizance has been taken after the order passed by the revisional court.

7. Counsel submits that the criminal antecedent of the petitioners are clean.

8. Counsel for the informant vehemently opposes the prayer for bail and submits that petitioners are named accused and they are kingpin and order giver and at the instance of petitioners, the culprit who were subsequently convicted during trial, have killed the deceased by gun shot. Therefore, their bail application may be rejected particularly, when cognizance has been taken against them. They become well aware that cognizance has been taken and they moved for anticipatory bail 2 years thereafter and due to delay made by the petitioners, the trial has been delayed. He further submits that there may be further delay if anticipatory bail granted to them.

9. Learned APP for the State opposes the prayer for bail of the petitioners and submits that petitioners are named accused, though the allegation is that they are order giver.

10. In the present facts and circumstances, this Court



is not inclined to grant anticipatory bail to the petitioners, therefore the bail application of the petitioners is hereby rejected.

11. However, trial court is directed to consider the regular bail application of the petitioners, if they surrender within 6 weeks and pray for regular bail, then trial court shall pass order on merit without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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