

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60860 of 2025

Arising Out of PS. Case No.-195 Year-2025 Thana- KALYANPUR District- East Champaran

1. Kailash Mahto S/o- Ramvriksh Mahto @ Vriksha Mahto Village- Mananpur, P.S.- Kalyanpur, Dist- East Champaran, Bihar
2. Mahadev Mahto S/o- Late Sunar Mahto Village- Mananpur, P.S.- Kalyanpur, Dist- East Champaran, Bihar
3. Raju Sah @ Raju Kumar S/o- Chhathulal Sah @ Chhathu Sah Village- Mananpur, P.S.- Kalyanpur, Dist- East Champaran, Bihar
4. Prabhu Mahto S/o- Shambhu Mahto Village- Mananpur, P.S.- Kalyanpur, Dist- East Champaran, Bihar
5. Sujit Kumar S/o- Lakshmi Sah Village- Mananpur, P.S.- Kalyanpur, Dist- East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Adv.
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-09-2025 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Kalyanpur P.S. Case No. 195 of 2025 for the offence registered under sections 191(1), 192(2), 191(3), 195(1), 127(1), 115(2), 118(2), 109, 76, 121(1), 132, 324(3), 351(2), 352 lodged on 27.05.2025.

3. As per the prosecution story, the informant alleged that on secret information, the Police went to arrest Vijay Sah



when all the villagers including the accused persons (petitioners herein) resorted to assault causing injury to the policemen. It was only after the extra force that arrived, that the peace could be restored in the area. This led to the FIR.

4. Learned Counsel for the petitioners submit that in a zeal to implicate everyone, the entire villagers have been named, they do not have criminal antecedent and the last submission is that without accepting the allegation and/or the outcome of the present petition, the petitioners on its own would like to contribute towards the medical assistance of Rs. 2,000/- each (totaling Rs. 10,000/-) to be handed over to the concerned Police Station through Demand Draft issued by the local State Bank of India branch to be distributed amongst the injured Police men/women after checking the credentials.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that they are named in the rioting causing injuries to the Police men/women.

6. Though the allegation is there, it has become habit of the locals to resort to mob violence causing the Police Force to suffer, in this particular case, since the petitioners have no criminal antecedent and an undertaking has been given that they shall be diligently appearing in trial, in that background, this



Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 2,000/- each (totaling Rs. 10,000/-) to be handed over to the concerned Police Station as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be distributed amongst the injured Police men/women after checking the credentials.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-12th, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 195 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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