

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63833 of 2025**

Arising Out of PS. Case No.-434 Year-2024 Thana- BIHARIGANJ District- Madhepura

Fanish Kumar Mahto S/O Late Janardan Mahto R/O Village- Gangora Ward  
No. 1, P.S- Bihariganj @ Distt.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                    |   |                               |
|--------------------|---|-------------------------------|
| For the Petitioner | : | Mr. Dinesh Prasad Verma, Adv. |
| For the State      | : | Mr. Shyameshwar Dayal, APP    |

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

4      22-12-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bihariganj P.S. Case No. 434 of 2024 registered for the offences punishable under Sections 103(1), 3(5) of BNS and Section 27 of the Arms Act.

3. As per prosecution case, on 30.12.2024 at about 06:30 AM, informant's father went to the field for taking fodder. It is alleged that petitioner and others armed with three-nut and pistol surrounded the informant's father and made indiscriminate firing upon him which hit on the head, eye, stomach, temple and mouth as a result of which informant's father succumbed to the injuries.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as



alleged in the FIR and he has falsely been implicated in this case. He further submits that there is no specific allegation against the petitioner. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that there is allegation of indiscriminate firing against the petitioner and others upon the informant's father and the postmortem report supported and corroborated the said allegation as five entry wounds are found on the dead body of the deceased. Apart from that firing material was also recovered from the place of occurrence and the witnesses in para-4 and 5 of the case diary have supported the allegation made in the FIR. In the light of aforesaid facts, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with postmortem report as well as material available on record, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

**(Alok Kumar Pandey, J)**

shahzad/-

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