

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70328 of 2025

Arising Out of PS. Case No.-534 Year-2024 Thana- JAMUI District- Jamui

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1. Vikash Kumar @ Potan Mahto Son of Jogeshwar Mahto Resident Of Village - Sangthu, Ps- Jamui, Dist- Jamui
 2. Dinesh Kumar @ Dino Mahto Son of Jogeshwar Mahto Resident Of Village - Sangthu, Ps- Jamui, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Raj, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-10-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in connection with Jamui P.S. Case No. 534 of 2024, dated 23.08.2024, lodged under Sections 329(3), 126(2), 115(2), 109, 352, 76 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against six named accused persons, including the present petitioners, alleging that petitioner No. 1 assaulted the informant by striking him on the head with a pistol butt, and petitioner No. 2 assaulted the informant with an iron rod, resulting in injuries to the informant.



4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the criminal antecedent of petitioner No. 1 is not clean, as one criminal case is pending against him. However, the criminal antecedent of petitioner No. 2 is clean. He further submits that from a bare reading of the FIR, it becomes crystal clear that a scuffle arose between the children of the informant and the petitioners, which subsequently resulted in altercations between the male members of the families. He further submits that both parties are residents of the same village and are well known to each other. He also submits that the petitioners are ready to fulfill all conditions that may be imposed upon them.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there are specific allegations against both the petitioners.

6. After hearing the parties, it transpires to this Court that petitioner No. 1 is unable to produce the license for the pistol, which indicates that the pistol is unlicensed. However, it is true that the dispute took place between the children of both parties, and the injury sustained is simple in nature.

7. As such, in the present facts and circumstances of



this case, let the petitioner No. 2, namely, Dinesh Kumar @ Dino Mahto be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Jamui, in connection with Jamui P.S. Case No. 534 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

8. So far as the bail application of the petitioner No. 1, namely, Vikash Kumar @ Potan Mahto is concerned, his bail application is hereby rejected, with a liberty that in case, the petitioner No. 1 surrenders within four weeks before the Trial Court, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner No. 1 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J.)

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