

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78184 of 2025

Arising Out of PS. Case No.-281 Year-2024 Thana- KHANPURA District- Samastipur

1. Ramnarayan Mahto S/O Bhola Mahto R/O Vill.- Ward No. 04, Ranjitpur, P.S. and P.O.- Khanpur, Dist.- Samastipur
2. Dharmendra Mahto @ Dharmendra Kumar S/O Ramnarayan Mahto R/O Vill.- Ward No. 04, Ranjitpur, P.S. and P.O.- Khanpur, Dist.- Samastipur
3. Anil Kumar S/O Ramnarayan Mahto R/O Vill.- Ward No. 04, Ranjitpur, P.S. and P.O.- Khanpur, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Ranjan, Advocate
For the Opposite Party/s	:	Mr. Mahindra Pratap, Advocate
For the State	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 03-12-2025 Heard the learned counsel for the petitioners,

learned counsel for the informant / O.P. No.2 and learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Khanpur P.S. Case No. 281 of 2024, F.I.R dated 15.12.2024 registered for the offences punishable under Sections 126(2), 115(2), 118(1) and 117(2), 352, 351(1), 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the informant, who owns a tractor used for panchayat social work, sent it out on 14.12.2024. He soon received a call that the accused had



stopped the tractor, were abusing the driver, attempting to damage the vehicle, and demanded Rs.2 lakh as ransom. When the informant and his colleagues reached the spot, the accused began abusing them as well. Accused Manoj Kumar struck Vijay Prasad on the head with a pistol butt, and co-accused Saroj Kumar Mahto hit Vishwa Mohan on the head with an iron rod.

4. Learned counsel for the petitioners submits that there is specific allegation of overt act against Saroj Kumar Mahto and Manoj Kumar while there is general and omnibus allegation against these petitioners and even during the course of investigation, no incriminating material is said to have surfaced and there is case and counter case and injury has occurred on both the sides. Learned counsel for the petitioner has also relied upon the order of Hon'ble Apex Court passed in Cr. App. No.4564 of 2024 vide order dated 12.11.2024, in which it has been ordered that "in the event of declaration it is not as if in all cases that there will be a total embargo on considering the application for grant of anticipatory bail application.

5. Learned counsel for the informant has appeared *suo motu*, who does not dispute the submission of the learned counsel for the petitioners but only submits that Section 82 and



83 of the Cr.P.C. has already been issued against these petitioners.

6. Considering the aforesaid facts and circumstances that there is case and counter case and these petitioners have already submitted himself to the recourse of law for seeking privilege of anticipatory bail. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.F.S., Samastipur, in connection with Khanpur P.S. Case No. 281 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) 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/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

(iv) the petitioner(s) shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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