

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9052 of 2026

Arising Out of PS. Case No.-34 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

Sapat Kumar Son of Bharat Paswan Resident Of Village- Chandrahiya Ward
No.41 , P.S- Muffasil, Motihari, Distroct- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidhyanath Thakur, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 22-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Muffasil Motihari P.S. Case No.34 of 2021 registered for the offence under Sections 147, 149, 341, 342, 323, 332, 333, 307, 353, 504 and 506 of the Indian Penal Code (Sections 191(2)/(3), 190, 126, 127(2), 115(2), 212, 122, 132, 109, 352 and 352(4) of BNS, 2023).

3. As per prosecution case, on 17.01.2021 informant received a secret information that Sonu Mahato, the named accused in Mufussil P.S. Case No. 448/2020, has come to his house situated in village Chandrahiyan. Informant along with other police personnel conducted raid at the house of Sonu Mahato at around 20:10 hours and arrested him. In the



meantime, 40-50 local villagers armed with sticks and Danda surrounded the police force and were ready to abuse and assault them. When the informant was trying to pacify the angry villagers, they started pelting stones. Somehow, he saved himself and the lives of the armed forces by reaching the police vehicle and protecting the arrested accused from the miscreants. In the same sequence, local Chowkidar Anil Sah fell on the road and the miscreants assaulted him with sticks. Police again reached the road with the armed force and with the help of the armed force, the injured/Chowkidar Anil Sah was lifted and brought on the police vehicle. The injured Chowkidar identified the attackers and miscreants as Chhotan Mahato, Vikas Mahato, Bharat Paswan, four sons of Bharat Paswan, Shivratan Sahani, Krishna Mahato, Surendra Mahato, Kanhaiya Prasad, Manmohan Prasad Chouhan, Niraj Chouhan, Tapeswar Sahani and 30-40 miscreants were unidentified. The Chowkidar Anil Sah was admitted in a private hospital, where the doctor stated that his left leg got fractured and he needed an operation. It is further alleged that in the year 2019, in village Chandrahiyan, unruly villagers had created a serious riot and protested against the administration for which Mufussil P.S. Case No. 284/2019 was registered. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and has falsely been implicated in this case. Learned counsel for the petitioner further submits that there is no direct specific allegation against the petitioner, petitioner is only member of the mob. Learned counsel for the petitioner next submits that the petitioner also does not have any criminal antecedent.

5. The learned APP opposes the anticipatory bail application.

6. From perusal of the FIR, it appears that there is no direct specific allegation against the petitioner, he is only alleged to be a member of the mob. The petitioner also does not have any criminal antecedent. Although the FIR is of the year 2021, but as per the impugned order the investigation is still under progress, and therefore, the apprehension of arrest continues. Under these circumstance, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Accordingly, the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Sessions Judge, East Champaran at Motihari in connection with Muffasil Motihari P.S. Case No.34 of 2021 subject to the conditions laid down under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with following conditions:

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

Prakash Narayan

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