

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9387 of 2026

Arising Out of PS. Case No.-17 Year-2024 Thana- MANSURCHAK District- Begusarai

Surendra Kumar Mahto @ Nanki @ Surendra Mahto S/o Ram Bharoshi
Mahto @ Ram Bharosh Mahto R/o Village- Aagapur, PS- Mansurchak, Dist-
Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar S/o Ram Bahadur Mahto R/o vill - Kastoli, P.O. - Samsa, P.s.-
Mansurchak, ward no. 5, Distt.- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-03-2026 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Mansurchak Police Station Case No. 17 of 2024, dated
09.03.2024, disclosing offences under Sections
342/504/506/34 of the Indian Penal Code and Section 27
of the Arms Act.
3. The Prosecution case, as per the FIR, is that on
07.03.2025 at about 01:10 PM, the informant was cutting
Crop in his field at village Rajapur, the petitioner along
with 45 unknown persons arrived with danda and pistol
and having seen the informant, the petitioner exhorted his



associates to assault the informant and the petitioner attempted to fire however the bullet didn't fire. When the informant raised an alarm then Santosh Kumar, Rajesh Mahto and Mukesh kumar who were working in the nearby field, rushed towards the informant. On seeing them approaching, the petitioner and his associates fled away from the place of occurrence while extending threats to the informant, leaving behind their motorcycle at the spot.

4. Learned counsel for the petitioner submits that the petitioner has committed no offence and has falsely been implicated in this case since there is land dispute between the petitioner and the informant. Learned counsel further submits that earlier the case was instituted under Sections 342,504,506,34 of the IPC and Section 27 of the Arms Act and the petitioner was released on bail. However, the police submitted chargesheet under Section 307 of the IPC along with other allied sections of IPC and Arms Act on 29.09.2024. The learned Court below has taken cognizance under Section 307 of the IPC along with Sections 342,504,506,34 of the IPC and Section 27 of the Arms Act on 08.01.2025.



5. Having heard learned counsel for the parties and considering the law laid down by the Apex Court in **Prahlad Singh Bhati v. NCT Delhi**, reported in (2001) 4 SCC 280, that with the addition of a new cognizable and non-bailable offence, the accused becomes disentitled to the liberty earlier granted in relation to the offences for which the FIR came to be registered. Therefore, the correct approach would be to apply its mind afresh as to whether the accused is entitled for grant of bail in the changed circumstances.
6. In the present case, initially the FIR was registered under Sections 342/504/506/34 of the Indian Penal Code and Section 27 of the Arms Act, however, subsequently the chargesheet was submitted under Section 307 of the Indian Penal Code along with other allied sections of the Indian Penal Code and Arms Act. This court is of the view that since the case was initially not instituted U/s 307 IPC and it was added in the chargesheet and cognizance has also been taken by learned Court below, therefore, an application for anticipatory bail on the ground of having an apprehension of arrest in the same case can be said to be maintainable.



7. Accordingly, this court is inclined to grant privilege of anticipatory bail to the petitioner
8. This application is, accordingly, allowed.
9. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, Begusarai, in connection with Mansurchak Police Station Case No. 17 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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