

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10165 of 2026

Arising Out of PS. Case No.-442 Year-2025 Thana- RAJNAGAR District- Madhubani

Abhishek Kumar Mahto Son of Ram Ashish Mahto Resident of Village -
Raghuvir Chak, P.S.- Rajnagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 25-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in connection with Rajnagar P.S. Case No. 442 of 2025 instituted for the offences punishable under Sections 310(4), 310(5), 111(2)(b), 111(3) and 111(4) of the Bharatiya Nyaya Sanhita and Sections 25(1-b)a/26/35 of the Arms Act and Sections 8(c)/21(b)/29 of the N.D.P.S. Act.

3. The prosecution case is to the effect that the police personnel during patrolling intercepted five two wheelers, however, some managed to flee and five persons were apprehended. It has been alleged that on search 95.91 grams of brown sugar was seized from different accused persons while one country made pistol and a live cartridge were also recovered. The apprehended accused persons disclosed the



name of four accused who managed to escape and among them was the petitioner(Abhishek Kumar Mahto).

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated and no incriminating article has been recovered from the possession of the petitioner. It has further been submitted that the motorcycle seized does not belong to the petitioner and he has no concern whatsoever with the said seizure. It has next been submitted that the false implication of the petitioner being part of the gang also gets falsified that the petitioner does not carry any similar kind of antecedent rather the only one antecedent the petitioner carries, is on account of dispute with his agnates. Lastly, it has been submitted that the petitioner has been made an accused with false allegation despite the fact that no recovery has been made from his house or from his person.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the facts aforesaid, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Principal Sessions Judge, Madhubani in connection with Rajnagar P.S. Case No. 442 of 2025, subject to the conditions as laid down under Section 482 of the BNSS and subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner and the other shall be a local resident:

(ii) the petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;

(iv) the Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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