

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21926 of 2026

Arising Out of PS. Case No.-229 Year-2025 Thana- GOGRI District- Khagaria

1. Mithun Kumar Son of Laddu Mandal Resident of Village- Chandpur, Dahgana, Ward No. 16, P.S.- Gogari, District- Khagaria
2. Pappu Kumar Son of Laddu Mandal Resident of Village- Chandpur, Dahgana, Ward No. 16, P.S.- Gogari, District- Khagaria
3. Rahul Kumar Son of Mukesh Mandal @ Manish Kumar Suman Resident of Village- Chandpur, Dahgana, Ward No. 16, P.S.- Gogari, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-04-2026 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioners who apprehend arrest in connection with Gogari P.S. Case No. 229 of 2025, lodged on 09.09.2025, under Sections 126(2)/115(2)/109/303(2)/125/352 of the Bhartiya Nyay Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against eight named accused persons, including the present petitioners.



The allegation against them is that while the petitioner was going to College, they came behind the house of Kanhaiya Munshi, armed with *farsa, lathi, danda, garansi, and iron rods*, encircled the informant, and began abusing and assaulting him, due to this reason the informant sustained injuries.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that there is inordinate delay in filing FIR without assigning any reason of delay. Counsel submits that the reason behind the scuffle is that the victim is the grandson of late Mahendra Mandal whose maternal family has landed dispute with the family of petitioners. Counsel submits that the criminal antecedent of petitioner Nos.2 and 3 are clean and petitioner No.1 has one criminal antecedent. Counsel further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is specific allegation of assault against the petitioners.

6. It is alleged that there is pistol in the hand of petitioner No.3, but neither pistol has been recovered nor there is allegation of firing against petitioner No.3.



7. As such, in the present facts and circumstances of this case, let petitioner No.3 Rahul Kumar be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Khagaria, in connection with Gogari P.S. Case No. 229 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

8. As far as petitioner Nos.1 and 2 are concerned, considering the specific allegation of assault against petitioner Nos.1 Mithun Kumar and petitioner No.2 Pappu Kumar, the prayer for anticipatory bail of petitioner Nos.1 and 2 is hereby refused. However, in the event of surrender of the petitioners within four weeks from today, the prayer for regular bail shall be considered on the same day without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

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