

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27379 of 2026

Arising Out of PS. Case No.-363 Year-2025 Thana- MOHANPUR District- Gaya

1. Gyani Prasad @ Gayani Prasad, Son of Mahavir Mahto @ Mahavir Prasad, Resident Of Village-Matihani, PS- Mohanpur, Dist- Gaya Ji
2. Kamaldev Mahto @ Kamaldev Prasad, Son of Late Bhigan Mahto @ Bigan Mahto, Resident Of Village-Matihani, PS- Mohanpur, Dist- Gaya Ji
3. Rambaran Prasad, Son of Mahavir Prasad @ Mahavir Mahto, Resident Of Village-Matihani, PS- Mohanpur, Dist- Gaya Ji
4. Birendra Kumar, Son of Mahavir Mahto @ Mahavir Prasad, Resident Of Village-Matihani, PS- Mohanpur, Dist- Gaya Ji
5. Gopal Prasad Kushwaha, Son of Kamaldev Mahto @ Kamaldev Prasad, Resident Of Village-Matihani, PS- Mohanpur, Dist- Gaya Ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binay Kumar, Advocate Mr. Abdul Mannan Khan, Advocate Mr. Hafiz Shahbaz Arif, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP Ms. Pushpa Sinha, Advocate
For the Informant	:	Ms. Kanupriya, Advocate Mr. Abhishek Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 17-06-2026 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

2. The learned counsel for the petitioners, after some arguments, submits that he would not be pressing the prayer for bail as far as petitioner no.3 namely, Rambaran Prasad and petitioner no. 5 namely, Gopal Prasad Kushwaha are concerned.

3. The petitioners are apprehending their arrest in



connection with Mohanpur P.S. Case No. 363 of 2025 registered for the offence(s) under Section(s) 126(2), 115(2), 117(2), 303(2), 74, 351(2), 110, 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

4. As per the prosecution case, the allegation against the petitioners is that they along with other accused persons, variously armed, have assaulted the informant and others causing injuries to them.

5. The learned counsel for the petitioners submits that there is general and omnibus allegation against all the named accused persons including the petitioners and there is also a land dispute between the parties. It is further submitted that there was case and counter case for the same incident, however, the present case was lodged by the informant prior to their case. It has next been submitted that the specific allegation of assault on the head of informant is against petitioner no. 3 Rambaran Prasad and petitioner no. 5 Gopal Prasad Kushwaha while there is general and omnibus allegation of assault against petitioner no. 1 Gyani Prasad @ Gayani Prasad, petitioner no. 2 Kamaldev Mahto @ Kamaldev Prasad and petitioner no. 4 Birendra Kumar. It has lastly been submitted that the petitioners have clean antecedents.



6. The learned A.P.P. for the State as well as the learned counsel appearing on behalf of informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioners and stated that the petitioners have brutally assaulted the informant and others causing grievous injuries to Sonmanti Devi (informant), however admits that rest of the injuries were found to be simple in nature. Further, as far as the two petitioners i.e. petitioner nos. 3 and 5, against whom there is specific allegation of assault, while the other petitioners were their accomplice. It has thus been submitted that the petitioners do not deserve the privilege of anticipatory bail.

7. Considering the aforesaid facts and circumstances of the case, submissions advanced on behalf of the parties and taking into account the fact that the specific allegation of assaulting the informant who has sustained grievous injury is against petitioner nos. 3 and 5, let the petitioner no. 1 Gyani Prasad @ Gayani Prasad, petitioner no. 2 Kamaldev Mahto @ Kamaldev Prasad and petitioner no. 4 Birendra Kumar, be released on anticipatory bail, in the event of their arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on their furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with



two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Mohanpur P.S. Case No. 363 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioners shall be their close relative and the other shall be a local resident.

(ii) The petitioners shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the concerned Court.

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

9. The application stands allowed.

(Sourendra Pandey, J)

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