

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34030 of 2026

Arising Out of PS. Case No.-189 Year-2025 Thana- BALIYA District- Begusarai

1. Sunil Mahto @ Sunil Kumar @ Sunil Mahto Bind S/O Budho Mahto @ Budho Mahto Bind @ Vodhu Vind R/O Village- Shiv Nagar, Bind Toli, Kutlipul Diyara, P.S.- Muffasil, District- Munger.
2. Nago Mahto S/O Musahru Mahto @ Musharu Mahto @ Musharu Mahto Bind R/O Village- Shiv Nagar, Bind Toli, Kutlipul Diyara, P.S.- Muffasil, District- Munger.
3. Mithilesh Mahto @ Milan Kumar @ Mithlesh Mahto S/O Musahru Mahto @ Musharu Mahto @ Musharu Mahto Bind R/O Village- Shiv Nagar, Bind Toli, Kutlipul Diyara, P.S.- Muffasil, District- Munger.
4. Musahru Mahto @ Musharu Mahto S/O Lukho Mahto @ Lukho Mahto Bind R/O Village- Shiv Nagar, Bind Toli, Kutlipul Diyara, P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 18-05-2026 Heard the learned counsel for the petitioners and the learned A.P.P. appearing for the State.

2. The petitioners apprehend their arrest in connection with Ballia (Balliya) P.S. Case No.189 of 2025, for allegedly having committed offences under Sections 109(1) and 3(5) of the B.N.S., 2023 as well as under Sections 25(1-b) a, 26, 27 and 35 of the Arms Act.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to



the effect that on 23.05.2025, while he was standing on the road nearby his house, three persons riding on a motorcycle, bearing Registration No.BR09AC-9220 and two persons riding on a motorcycle without any number plate arrived at the place of occurrence. One person, who was sitting in the middle of the motorcycle fired upon the informant with an intention to kill him, however somehow or another, the informant saved his life. On the sound of firing, co-villagers arrived there and while trying to flee away, one of the motorcycles dashed a buffalo. One person was apprehended at the place of occurrence, who disclosed his name as Ganga Sagar Kumar. The local villagers also snatched one pistol from the hand of one another person, who succeeded in fleeing away. From possession of the arrested person, two live cartridges of .315 bore was seized and the arrested person disclosed the name of petitioner no.1, Sunil Mahto, who had fired upon the informant and also disclosed the name of other co-accused persons.

4. The learned counsel for the petitioners submits that the names of the petitioners has transpired in the present case on the basis of the statement given by the co-accused, Ganga Sagar Kumar, who was apprehended at the place of occurrence and from his possession two live cartridges were recovered. He took



the name of petitioner no.1 to be the person, who has fired upon the informant and only on the basis of the said disclosure, the petitioners have been made accused in the present case. The informant did not sustain any firearm injury and the petitioners are not the owner of the motorcycle bearing Registration No.BR09AC-9220. The petitioners have got no concern with the alleged seized weapon or the motorcycles and they have got a clean antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Having heard the learned counsel for the parties and after going through the records, it appears that the petitioners have been named in the present case, only on the basis of the confessional statement made by Ganga Sagar Kumar, from whose possession, the live cartridges were said to have been recovered. The pistol/firearm which was also snatched by the villagers and on the basis of the statement given by the arrested person, the name of petitioner no.1 has transpired to be the person who has fired upon the informant. The petitioners have got a clean antecedent.

7. Taking into consideration the facts aforesaid, let the petitioners, above-named, in the event of their arrest or



surrender within a period of six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Ballia (Balliya) P.S. Case No.189 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S. with a further condition that:-

The learned court concerned shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court concerned shall take steps for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J.)

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