IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45295 of 2026

CNR No. BRHC010624492026

Arising Out of PS. Case No.-338 Year-2023 Thana- AMARPUR District- Banka

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Moti Mahto @ Santosh Mahto @ Moti Singh @ Moti Mandal S/o Late Girish Mahto R/o Village - Kamalpur, P.S - Shahkund, District - Bhagalpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 04-11-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 307/34 of the Indian Penal Code as well as Section 27 of the Arms Act and subsequetly Section 302 of the Indian Penal Code has been added.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent. It is further submitted that the FIR has been instituted againast 8-10 unknown accused persons with an allegation of resorting to firing upon the informant and one Kashi Tanti causing bullet injury.

4. Learned counsel for the petitioner submits that

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petitioner has been falsely implicated in the instant case by the informant. It is further submitted that the FIR is against unknown and the name of the petitioner transpired in the confessional statement of co-accused in police custody which does not have any evidentiary value in the eye of law. It is next submitted that there is no eyewitness to the occurrence. It is also submitted that similarly situated co-accused, namely, Pankaj Kumar @ Pankaj Paswan @ Dhakua had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 23847 of 2024 and the same came to be allowed vide order dated 10.05.2024 by a learned Coordinate Bench of this Court, thus, the learned counsel based on parity seeks anticipatory bail but then it is fairly submitted that Kashi Tanti, during the course of treatment, died.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner and taking into consideration the fact that petitioner is a person with clean antecedent and is not a criminal, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing

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bail bonds of Rs.1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Amarpur P.S. Case No. 338 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. One of the bailors of the petitioner shall be his wife, namely, Lalita Devi.

8. At this stage, learned counsel for the petitioner seeks permission to correct the description of the father of the petitioner. It is submitted that his father died but inadvertently the word “Late” could not be prefixed before the name of his father.

9. Permission is accorded.

(Satyavrat Verma, J)

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