

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75509 of 2025**

Arising Out of PS. Case No.-169 Year-2025 Thana- KHANPURA District- Samastipur

1. Nitish Kumar S/o Dilip Mahto R/o Village- Bhorejairam ward no. 01, P.S.- Khanpur, District- Samastipur
2. Deepak Kumar S/o Dilip Mahto R/o Village- Bhorejairam ward no. 01, P.S.- Khanpur, District- Samastipur
3. Pramod Mahto @ Pramod Kumar S/o Ram Udgar Mahto R/o Village- Bhorejairam ward no. 01, P.S.- Khanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      09-04-2026                      Heard learned Counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Khanpura Police Station Case No. 169 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 352, 351(2) and 3(5) of Bharatiya Nyaya Sanhita.

3. The prosecution case, as per the First Information Report, is that on 08.07.2025, the informant got the information that in the night at about 10:30 P.M., the petitioners along with other accused persons were ploughing his field. On such



information, the informant and his nephew went to their field and saw that the accused persons, including the petitioners, were armed with weapons and were ploughing the field with a tractor. When objected, petitioner no. 1 ordered to kill the informant. Upon this, petitioner no. 3 gave an iron rod blow on the head of the informant, due to which he fell down, and when the informant's nephew came to rescue him, petitioner no. 2 Deepak Kumar and petitioner no. 3 assaulted him and other family members, including neighbours.

4. Learned counsel for the petitioners submits that there is previous land dispute between the parties and the counter case has also been lodged by the side of the petitioners against the informant bearing Khanpur P.S. Case No. 184 of 2025. The allegation against the petitioners is general and omnibus in nature. The other co-accused persons have been granted anticipatory bail by the impugned order itself.

5. On the other hand, learned counsel for the State, referring to the case diary submits that there is specific allegation of assault on the head of the informant against petitioner no. 3 and the injury sustained by the informant on his head is grievous in nature. The injury sustained by the other victim is simple in nature.



6. Regards being had to the submissions made by the parties, taking into consideration the fact that there is specific allegation against petitioner no. 3 that he assaulted the informant on his head by iron rod and the injury sustained by the informant is grievous in nature on the vital part of the body, I am not inclined to grant anticipatory bail to petitioner no. 3 and the same is rejected.

7. Accordingly, the prayer for anticipatory bail is rejected against petitioner no. 3 only.

8. In so far as petitioner nos. 1 and 2 are concerned, petitioner no. 1 is an order giver, and the allegation against petitioner no. 2 is general and omnibus in nature and the other victim has sustained simple injury, I am inclined to grant petitioner nos. 1 and 2, privilege of anticipatory bail.

9. This application is, accordingly, allowed for petitioner nos. 1 and 2 only.

10. Let the petitioner Nos. 1 and 2, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Samastipur, in connection with Khanpura Police Station



Case No. 169 of 2025, subject to the condition laid down under  
Section 438 (2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

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