

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81982 of 2025

Arising Out of PS. Case No.-287 Year-2025 Thana- BAKHARI District- Begusarai

Sunil Mahto, Son of Shiv Dayal Mahto, R/o Karaitar, P.S. - Bakhri, Dist - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Bakhri P.S. Case No. 287 of 2025 registered for the offences under Sections 126(6), 115(2), 109(1), 303(2), 351(2), 352(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant has alleged that while he was going to his home, the named accused persons, including the petitioner, stopped him and the petitioner is said to have fired from his pistol, which did not hit him, however, he was assaulted by the butt of the said pistol, causing head injury. It is further alleged that the other co-accused persons snatched away his mobile and bicycle.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case and no such incident as alleged has occurred. It has further been submitted that from perusal of the injury report, which has been referred to in the impugned order, it would be evident that the injury was found to be simple in nature and the allegation of firing is also not supported. It has next been submitted that the petitioner has two criminal antecedents in which he is on bail in one of the cases, while in the other case he was not sent up for trial.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail and has stated that the petitioner had tried to kill the informant, as he had fired upon him.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Bakhri P.S. Case No. 287 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S.



as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

7. Accordingly, the prayer for anticipatory bail is allowed.

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

(Sourendra Pandey, J)

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