

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85723 of 2025

Arising Out of PS. Case No.-281 Year-2024 Thana- KHANPURA District- Samastipur

1. Manoj Kumar Mahto @ Manoj Kumar Son of Ramnarayan Mahto Resident of Village - Ward no. 04, Ranjitpur, P.O. and P.S. - Khanpur, District - Samastipur.
2. Saroj Kumar Mahto @ Saroj Kumar Son of Ramnarayan Mahto Resident of Village - Ward no. 04, Ranjitpur, P.O. and P.S. - Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Ranjan, Adv.
For the Opposite Party/s	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Mahendra Pratap, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-01-2026 Heard learned Advocate for the petitioners, learned Advocate for the State as well as learned Advocate for the informant.

2. The petitioners apprehend their arrest in connection with Khanpur P.S. Case No.281 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 352, 351(1), 109 and 3(5) of the BNS, 2023.

3. On the fateful day, while the informant had sent his tractor for some social work, in the meanwhile, he came to know that all the accused persons including the petitioners seized his tractor and demanded a ransom of Rs.2 lac. When the informant reached at the spot, all of them started abusing him. It



is specifically alleged that petitioner no.1 assaulted one Vijay Prasad with butt of the pistol over his head, whereas petitioner no.2 assaulted Vishwa Mohan Kumar over his head by means of iron rod, due to which both of them have sustained serious injuries.

4. Learned Advocate for the petitioners referring to the FIR contended that the present case is nothing but a counter blast to Khanpur P.S. Case No.282 of 2024; though it is instituted after the present case. However, this fact cannot be ruled out that the *fardbeyan* of petitioner no.1 was recorded in the emergency ward of Sadar Hospital, Samastipur in the evening of the fateful day itself. In the said incident, petitioner no.1 along with other persons have also sustained injuries and out of which one injury received by co-accused Dharmendra Kamat is found to be grievous in nature. It is further contended that other co-accused persons, namely, Ramnarayn Mahto, Dharmendra Mahto and Anil Kumar have been enlarged on anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No.78184 of 2025 vide order dated 03.12.2025, taking note of the fact that there is a case and counter case and injuries have occurred on both the sides, besides the fact that in the event of declaration, it is not as if in all cases that there will be a



total embargo on considering the application for grant of anticipatory bail application. The petitioners are the men of fair antecedent and they undertake that they will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State as well as the learned Advocate for the informant vehemently opposed the bail application and submitted that specific accusation has been levelled against these two petitioners of causing assault to Vijay Prasad and Vishwa Mohan Kumar, out of which one has sustained grievous injury over his head. It is further contended that process under Sections 82 and 83 CrPC has already been issued and, as such, in view of the mandate of the Apex Court, the petitioners do not deserve the privilege of anticipatory bail.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of specific nature of accusation against petitioner no.1, leading to grievous injury, this Court is not acceded to his prayer for grant of anticipatory bail. Accordingly, his prayer is rejected.

7. However, if petitioner no.1 surrenders before the court below within a period of four weeks from today and seeks regular bail, the same shall be considered on its own merit(s)



without being prejudiced by this order.

8. So far petitioner no.2 is concerned, against whom it is alleged that he has also assaulted one Vishwa Mohan Kumar and the injuries have been found to be simple in nature and other co-accused persons have also been allowed the privilege of anticipatory bail taking note of the fact that they were pursuing their remedy before this Court and the process has been issued in the meanwhile, let the above named **petitioner no.2**, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.S., Samastipur in connection with Khanpur P.S. Case No.281 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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