

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86884 of 2025

Arising Out of PS. Case No.-68 Year-2025 Thana- ROSERA District- Samastipur

Sachin Kumar @ Sachin Kumar Mahto S/o Late Baelal Mahto R/o Village-
Khaira Dargah, P.S- Rosera, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Choudhary, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 19-03-2026 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Rosera Police Station Case No. 68 of 2025, disclosing offences under Sections 191(2), 126(2), 115(2), 352, 351(2) of Bharatiya Nyaya Sanhita, 2023 and 27 of Arms Act.

3. The prosecution case, as per the First Information Report, is that on 05.03.2025, while the informant was sleeping, the petitioner along with other accused persons arrived at the place of occurrence on a motorcycle, carrying weapons in their hands. It is further alleged that the co-accused, Nitish Kumar, assaulted the informant with a lathi, as a result of which he woke up. Thereafter, petitioner fired a shot in the air from his



pistol and threatened the informant to kill. The police recovered one empty cartridge and a motorcycle, which were left behind by the accused persons.

4. Learned Counsel for the petitioner submits that the reason behind the occurrence is that one day prior to the occurrence, i.e., on 04.03.2025 at about 8 p.m. in the night, noise was coming out from the house of younger brother Shyam Kumar Mahto. When the informant arrived there, he saw that the petitioner, along with co-accused Nitish Kumar, was in an inebriated condition, abusing the brother of the informant. The informant intervened and separated both of them. In retaliation for the same on the next date, i.e., on 05.03.2025, the present occurrence has taken place by the petitioner and others. Nobody has injured in the alleged firing made by the petitioner, and the motorcycle, which was left by the accused person, does not belong to the petitioner.

5. Learned counsel for the state, referring to the case diary, submits that police has sent request before the DTO for ascertaining the ownership of the motorcycle, but the same has not been provided as yet.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of



allegation and the fact that motorcycle recovered by the police near the house of the informant does not belong to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Rosera, in connection with Rosera Police Station Case No. 68 of 2025, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita.

(Anil Kumar Sinha, J)

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