

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91284 of 2025

Arising Out of PS. Case No.-615 Year-2025 Thana- MAHUA District- Vaishali

1. Abhishek Kumar S/O Ganesh Mahato R/O village- Chakdadan, P.S.- Mahua, District- Vaishali
2. Amit Kumar S/O Ganesh Mahato R/O village- Chakdadan, P.S.- Mahua, District- Vaishali
3. Sumit Kumar @ Sujeet Kumar @ Sujeet Mahato S/O Ganesh Mahato R/O village- Chakdadan, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-01-2026 Heard learned Advocate appearing on behalf of the

petitioners and the learned Additional Public Prosecutor for the

State.

2. The petitioners are apprehending their arrest in connection with Mahua P.S. Case No. 615 of 2028, registered for the offences punishable under Sections 126(2), 115(2), 109, 117(2), 329(4), 303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. In the noon of 23.05.2025, the petitioners came to the house of the informant and tried to kidnap his son, aged about thirteen years, on account of previous dispute. On protest it is alleged that the petitioners alongwith all the other accused persons armed with *lathi*, *danda*, iron rod and axe brutally



assaulted, due to which he sustained serious injuries. When the wife of the informant alongwith others came to his rescue, they were also assaulted by the accused persons, besides there is allegation of snatching of valuables.

4. Learned Advocate appearing on behalf of the petitioners taking this Court through the FIR contended that admittedly there is a previous dispute and, as such, the false implication of the petitioners cannot be ruled out, that too when the present FIR came to be instituted on 31.05.2025 with regard to an occurrence which took place on 23.05.2025, without there being any explanation for delay. Though as per the impugned order, one of the injury is said to be grievous in nature, but the same is not attributed specifically against any of the accused persons including the petitioners. The parties are agnates and they are bickering over a land dispute, besides the petitioners having fair antecedent. It is lastly contended that the present case is nothing but a counterblast to Mahua P.S. Case No. 602 of 2025 instituted against the informant and others on 23.05.2025 itself by one Lala Sah, one of the accused of the present case.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the petitioners have brutally assaulted the informant and others.



6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that prior to the institution of the present case, one of the co-accused person has already instituted FIR against the informant bearing Mahua P.S. Case No. 602 of 2025, besides the omnibus nature of allegation and the fair antecedent of the petitioners, as also the delay in lodging of the FIR, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Court of A.C.J.M.-IV, Vaishali at Hajipur in connection with Mahua P.S. Case No. 615 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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