

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6614 of 2025

Arising Out of PS. Case No.-185 Year-2024 Thana- CHANPATIA District- West Champaran

1. Bhola Mahto @ Shivshankar Mahto S/o- Late Tedhi Mahto @ Late Tedhi Mahto Resident of Vill-Mehadiya, P.S.-Chanpatiya, Dist-West Champaran
2. Jag Mahto S/o- Late Dhedi Mahto @ Late Tedhi Mahto Resident of Vill-Mehadiya, P.S.-Chanpatiya, Dist-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
	:	Ms. Bharti Rai, Advocate
	:	Mr. Raushan Raj, Advocate
For the Opposite Party/s	:	Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 06-05-2025 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Chanpatiya P.S. Case No. 185 of 2024 instituted for the offences under Sections 103(1), 238 of the B.N.S.

3. Allegation against the accused persons including the petitioners is of commission of murder of the informant's daughter.

4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submitted that general and



omnibus allegation has been made against these petitioners. No specific overt act is alleged against these petitioners. Learned counsel further submitted that petitioner no.1 is the father-in-law and he is suffering from numerous old aged ailments whereas petitioner no. 2 is the uncle-in-law of the deceased and is separate in mess and business and has no concern with the family affairs of the family of the deceased. Learned counsel further submitted that, as a matter of fact, the petitioners have no concern with the alleged occurrence and the deceased died her natural death on account of ailments. Learned counsel further submitted that petitioners never tortured the deceased. It has been submitted on behalf of the petitioners that the petitioner no. 1 is in custody since 11.09.2024 whereas petitioner no. 2 is in custody since 26.09.2024. Petitioner no. 1 has no criminal antecedent whereas petitioner no. 2 has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned APP further submitted that police after investigation submitted charge-sheet under Sections 103(1), 238, 3(5) of the BNS.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the



petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chanpatiya P.S. Case No. 185 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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