

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6187 of 2025

Arising Out of PS. Case No.-206 Year-2024 Thana- MEDNI CHAUKI District- Lakhisarai

Shambhu Mahto @ Sanjeet Kumar @ Manjo @ Sanjeet Kr. Mahto S/O
Bahadur Mahto R/O Vill.- Khawa Chandar Tola, P.S.- Mednichowki, Dist.-
Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brijesh Sahay, Advocate Mr. Umesh Prasad, Advocate Ms. Harsita, Advocate
For the Opposite Party/s	:	Mr. Ahmad Ali, APP
For the Informant	:	Mr. Brij Mohan Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 22-05-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. A prayer for bail has been made on behalf of the petitioner in connection with Medni Chauki P.S. Case No.206 of 2024 registered for the offence under sections 103(1), 238 and 3(5) of the B.N.S, 2023.

3. The allegation in the F.I.R is that the petitioner along with other F.I.R named persons came in the house of the informant and had called her husband and taken him away along with them. It is further alleged that her husband did not come back home then the informant suspected the complexity of all the accused persons in causing his death.



4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The confessional statement of co-accused Raja Mahto @Raju Kumar in paragraph no. 9 of the case diary would make it clear that the main allegation of assaulting the deceased is on Rakesh Mahto and subsequently, it has been stated that all of them put the deceased in water. It is further submitted that there is a delay of two days in lodging of the F.I.R i.e. occurrence has taken place on 15.09.2024 and the F.I.R has been lodged on 17.09.2024. Other witnesses have been examined during course of investigation who have stated that the deceased was drawn to drinking and hence, he has submitted that it may be under the influence of liquor that he has got drunk. Postmortem report has been called for which is a part of case dairy, which would go to show that cause of death of the deceased due to asphyxia and shock due to antemortem drowning. It has also been submitted that bail application of co-accused Rakesh Mahto has already been rejected by a co-ordinate Bench of this Court. The petitioner is in custody since 18.09.2024 and undertakes to co-operate in the case/trial. Charge-sheet has already been submitted in the case.

5. The application for bail is opposed by learned APP



for the State and learned counsel for the informant on the ground that the suspicion has been raised against the petitioner in the F.I.R itself and he was one of the persons who had taken the deceased along with him and thereafter, the deceased did not come back.

6.In view of the facts and circumstances of the case finding some involvement of the petitioner also in causing the death of the deceased and at this stage, I am not inclined to grant bail to the petitioner and the application is rejected.

7. However, liberty is granted to the petitioner to renew his prayer for bail after framing of charge.

(Soni Shrivastava, J)

Harsh/-

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