

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11233 of 2025

Arising Out of PS. Case No.-371 Year-2024 Thana- BAKHARI District- Begusarai

Naresh Mahto @ Naresh Singh @ Naresh Kumar Singh S/O Kaleshwar
Mahto R/O Village- Meghauna, P.S- Alauli, Distt.- Khagaria (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
: Mrs. Namita Sharma, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-05-2025 Heard Mr. Anshu Dhar Sharma, learned counsel for
the petitioner and Mr. Narendra Kumar Singh, learned APP for
the State.

2. The petitioner is apprehending his arrest in
connection with Bakhri P.S. Case No. 371 of 2024 for the
offence under sections 103(1), 61(2) of the B.N.S. lodged on
23.09.2024 by the informant, Nitu Devi.

3. As per the prosecution story, the informant alleged
that the accused persons under conspiracy came to her home,
took her father-in-law Fulena Mahto (the deceased) away and
later after assault and pouring acid, he was killed near the river.
This led to the FIR.

4. Learned counsel for the petitioner submits that his



mother is the only daughter and as such he was staking claim on the land. On the fateful day, he had gone to negotiate in the matter, sat in the temple, asked someone to make Fulena Mahto come whereafter it was informed that he is not at home. Later, came to know that he has been killed and the petitioner stands implicated. He has no role to play and has no criminal antecedent.

5. Learned APP opposes the prayer submitting that the mother of the deceased has recorded her statement that it was the petitioner who called and took him away and later the dead body was found. He has taken this Court to paragraph 19 in support of his contention.

6. Having heard the parties and perusing the records, this Court has also gone through the paragraph 28 of the case diary according to which an independent witness has recorded that Naresh Mahto had come to the temple and wanted to talk to Fulena Mahto. A person was sent to his house whereafter it was informed that Fulena Mahto is out of home since morning. Later after talking to Shivjee Mahto, Naresh Mahto left for his home.

7. There are two contentions, the informant's side claims that it was the petitioner who called the deceased, the independent witness has recorded that when the petitioner



called Fulena Mahto, he was already out of his house, this petitioner has no criminal antecedent, FIR is there, he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Nothing recorded in the order shall be taken at the time of the trial as this has been observed only for the purpose of grant of anticipatory bail.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Begusarai, in connection with Bakhri P.S. Case No.371 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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