

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13346 of 2025

Arising Out of PS. Case No.-44 Year-2016 Thana- TARAIIYA District- Saran

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Mahesh Mahto @ Maheshwar Mahto @ Maheshwar Mahta S/O Late
Rampujan Mahto R/O Village- Pokhrera, P.S- Taraiya, Distt.- Saran at
Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Tiwary, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 07-07-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Tariya
P.S. Case No. 44 of 2016 instituted for the offence under
Sections 341, 323, 326, 307, 504 & 34 of the Indian Penal Code
(for short 'the IPC') and subsequently, Section 302 of the IPC
was added.

3. Prosecution case, in short, is that on 28.02.2016 at
around 8 a.m., six accused persons came to the house of the
informant, abused, and assaulted her and her daughter.
Informant alleged that they poured kerosene on her and set her
on fire, causing severe burns. The incident was triggered
because she objected to the accused calling her daughter



characterless.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30-12-2023. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that a video clip of the deceased making statement was recorded by some villagers which was uploaded on Facebook and social media. In that statement, the deceased has not named the petitioner but has named four persons who are named in the first part of the FIR and subsequently, the petitioner and one Rajendra Mahto have been made accused in the second part of the FIR. Similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 24-01-2025, passed in Cr. Misc. No. 33769 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.



8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Tariya P.S. Case No. 44 of 2016.

9. The petitioner is directed to co-operate in the trial. So far as the video clip is concerned, the Investigating Officer of the case will try to locate the device from the villager who had recorded the case and thereafter get it examined in the FSL, so that guilty persons are convicted and the accused persons, the petitioner and one more person who may not have participated in the crime may not be proceeded against.

10. This observation and directions are only for the purposes of bail and the observation made in this order will not affect the trial.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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