

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20271 of 2025

Arising Out of PS. Case No.-111 Year-2024 Thana- PALANWA District- East Champaran

1. Dharmdeo Mahto S/o- Late Gopi Chandra Mahto Resident of village - Kharkatwa P.S.- Ramgarhwa, District- East Champaran
2. Jhokhan Mahto S/o- Late Gopi Chandra Mahto Resident of village - Kharkatwa P.S.- Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Umanath Mishra, APP
For the Informant	:	Mr. Dhananjay Kumar Gupta, Advocate
		Mr. Sumit Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 09-07-2025 Heard learned counsel for the petitioners, learned APP for the State, learned counsel for the informant and perused the case diary.

2. The petitioners seek bail in connection with Palanwa P.S. Case No. 111 of 2024, instituted for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 109, 103, 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, the petitioners have assaulted the informant, her husband and son and due to assault caused by these petitioners, husband of the informant died during treatment.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that there is delay of five days in lodging the FIR. The allegation levelled against the petitioners are general and omnibus in nature. It is further submitted that postmortem report of the deceased does not support the prosecution case. There is no intention or motive to kill the informant's husband. There is case and counter case between the parties. The petitioners are in custody since 08.01.2025 and have got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioners and submits that in paragraph no. 25 of the case diary, postmortem report of the deceased is mentioned, where cause of death is mentioned as haemorrhage and shock, caused by heavy, hard and blunt object. It is further submitted that in postmortem report, external injuries were also found by the doctor on the dead body of the deceased. In paragraph nos. 5, 10, 11 and 12 of the case diary, the witnesses have supported the prosecution case. Hence, there is direct and specific



allegation of killing informant’s husband against the petitioners and they does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioners at this stage.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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