

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24899 of 2025

Arising Out of PS. Case No.-984 Year-2020 Thana- KHAGARIA District- Khagaria

Sanjeev Mahto @ Phulchan Mahto @ Phulchan S/O Devanand Mahto
Resident of Village- Bhagat Tola, Mathurapur, P.S- Khagaria, Distt.-
Khagaria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajni Kant Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner submits that the bail application of the petitioner was earlier rejected twice vide orders dated 03.11.2022 and 21.06.2024, passed in Cr. Misc. Nos. 42480 of 2022 and 4825 of 2024, respectively.

3. Counsel further submits that, according to him, all examination of prosecution witnesses has taken place. He submits that the petitioner is the only person who can properly prepare the *pairwi* of his case. He also submits that the petitioner has a clean criminal antecedent and has been in custody since 31.05.2022. Counsel further submits that the petitioner be released on bail to enable him to produce defence



witnesses properly. He further submits that the petitioner is willing to comply with any conditions that may be imposed upon him.

4. Learned counsel for the State submits that a report has been called for, and from the report, it transpires that the examination of the doctor and the Investigating Officer (I.O.) is yet to take place.

5. In response thereto, counsel for the petitioner submits that the prosecution witnesses have already been examined.

6. In the present facts and circumstances of this case and in view of the submissions made above, the petitioner named above is granted bail only when all the prosecution witnesses have been examined and the case has been fixed for the examination of defence witnesses, on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023, to the satisfaction of Sessions Judge, Khagaria, in connection with Khagaria P.S. Case No. 984 of 2020, subject to the following conditions laid down under Section 480(3) of the BNSS, as well as the additional conditions hereinafter specified:-

(i) one of the bailor should be a relative of the



petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear physically 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 bonds by the Trial Court itself.

7. It is made clear that if all the prosecution witnesses have not been examined, then the order for release on bail shall not be acted upon.

(Dr. Anshuman, J.)

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