

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21983 of 2025

Arising Out of PS. Case No.-373 Year-2024 Thana- HALSI District- Lakhisarai

Kameshwar Mahto S/O Late Gobardhan Mahto Resident of Village- Pursanda
PS- Halsi, Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rabi Bhushan, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP
For the Informant	:	Mr. Binay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Halsi P.S. Case No. 373 of 2024 registered for the alleged offences under Sections 126(2), 115(2), 329(4), 303(2), 76, 109, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the petitioner and other co-accused persons entered into the house of the informant and took away Rs. 15,000/- cash, ornaments worth Rs. 1,05,000/- and some documents pertaining to land. When the informant opposed their act, the petitioner put her down by pulling her hair and assaulted. When the husband of the informant intervened, the petitioner hit him on his head with iron rod, causing its



fracture. The husband of the informant was taken to PHC, Halsi for treatment from where he was referred to Sadar Hospital, Lakhisarai and from where he was further referred to PMCH, Patna. Subsequently, he died while being treated at Delhi.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged in any manner has taken place. Learned counsel further submits that the injury report shows two simple injuries of size 2"x1/4"x skin deep and 1 1/2"x 1/4" x skin deep and no fracture was found. The allegation of taking ornaments and cash is completely wrong and nothing incriminating has been recovered from the person of possession of this petitioner. Learned counsel further submits that the husband of the informant died due to some other ailment and due to lack of treatment and not from the injury caused by the petitioner. The learned trial court considering the facts and circumstances took cognizance under Sections 126(2), 115(2), 329(4), 75, 109, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 against the petitioner and other co-accused persons, which show the court disbelieved the story of police about death being caused due to assault by the petitioner. Learned counsel further submits that the petitioner is in custody since 17.02.2025 and



cognizance has been taken.

05. Learned APP for the State as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that there is specific allegation against the petitioner that he hit on the head of the husband of the informant and during treatment, the husband of the informant died in Delhi. However, learned APP concedes that when the husband of the informant was admitted in Safdarganj Hospital, New Delhi, the procedure for which he was admitted was Hemodialysis and he further submits that without any postmortem, the husband of the informant was cremated by the informant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner for causing death of the husband of the informant and further considering the period of custody of the petitioner, the petitioner above named is directed to 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 learned Judicial Magistrate-1st Class, Lakhisarai/court concerned in connection with Halsi



P.S. Case No. 373 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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