

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15343 of 2025

Arising Out of PS. Case No.-206 Year-2024 Thana- MEDNI CHAUKI District- Lakhisarai

Raja Mahto @ Raju Kumar Son of Bahadur Mahto village- Khawa, Chandara
tola, Ps- Mednichowki, Dist- Lakhisarai. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

WITH
CRIMINAL MISCELLANEOUS No. 24306 of 2025

Arising Out of PS. Case No.-206 Year-2024 Thana- MEDNI CHAUKI District- Lakhisarai

Dhongo Mahto @ Birendar Mahto @ Dhongal @ Virander Mahato S/O
Bahadur Mahto R/O Vill- Khawa Chandar Tola, P.S.- Mednichouki, District-
Lakhisarai. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15343 of 2025)

For the Petitioner/s : Mr. Brajesh Sahay, Advocate
Mr. Umesh Prasad, Advocate
Ms. Harshita, Advocate

For the Informant : Mr. Brij Mohan Kumar, Advocate
Mr. Shashi Kumar, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha-1, APP

(In CRIMINAL MISCELLANEOUS No. 24306 of 2025)

For the Petitioner/s : Mr. Brajesh Sahay, Advocate
Mr. Umesh Prasad, Advocate
Ms. Harshita, Advocate

For the Informant : Mr. Brij Mohan Kumar, Advocate
Mr. Shashi Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 26-05-2025 As both the cases arise out of the same police station case number, with consent of the parties, they have been heard together and disposed of by this common order.

2. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.



3. A prayer for bail has been made on behalf of the petitioners in connection with Medni Chauki P.S. Case No.206 of 2024 registered for the offence under sections 103(1), 238 and 3(5) of the B.N.S., 2023.

4. The allegation in the F.I.R is that the petitioners along with other F.I.R named persons came in the house of the informant and had called her husband and taken him away along with them. It is further alleged that her husband did not come back home then the informant suspected the complicity of all the accused persons in causing his death.

5. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. The confessional statement of the petitioner, Raja Mahto @Raju Kumar in paragraph no. 9 of the case diary would make it clear that the main allegation of assaulting the deceased is on Rakesh Mahto and, subsequently, it has been stated that all of them put the deceased in water. It is further submitted that there is a delay of two days in lodging of the F.I.R i.e. occurrence has taken place on 15.09.2024 and the F.I.R has been lodged on 17.09.2024. Other witnesses have been examined during course of investigation, who have stated that the deceased was drawn to drinking and hence, he



has submitted that it may be under the influence of liquor that he has got drowned. Postmortem report, which is a part of case dairy, would go to show that cause of death of the deceased is due to asphyxia and shock due to antemortem drowning. It has also been submitted that anticipatory bail application of co-accused Rakesh Mahto has already been dismissed as withdrawn by a co-ordinate Bench of this Court since he was arrested. The petitioner, Raja Mahto alias Raju Kumar is in custody since 18.09.2024, whereas petitioner, Dhongo Mahto alias Birendra Mahto alias Dhongal is in custody since 20.02.2025 and undertake to co-operate in the case/trial. Charge-sheet has already been submitted in the case.

6. The application for bail is opposed by learned APP for the State and learned counsel for the informant on the ground that the suspicion has been raised against the petitioners in the F.I.R itself and they were the persons who had taken the deceased along with them and, thereafter, the deceased did not come back.

7. In view of the facts and circumstances of the case finding involvement of the petitioners also in causing the death of the deceased, I am not inclined to grant privilege



of bail to the petitioners at this stage. Accordingly, both these applications are rejected.

8. However, the petitioners would be at liberty to renew their prayer for bail after framing of charge.

(Soni Shrivastava, J)

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