

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30607 of 2025

Arising Out of PS. Case No.-86 Year-2024 Thana- PANCHRUKHI District- Siwan

Birendra Mahto @ Birendra Kumar Mahto S/O Late Kripanath Mahto
Resident Of Village- Sonapipar, P.s.- Pachrukhi, Dist.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-07-2025 Heard Mr. Ajay Kumar Tiwary, learned counsel for
the petitioner and Mr. Ajit Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Pachrukhi P.S. Case No.86 of 2024, F.I.R. dated
23.03.2024 for the offences punishable under Sections 304 of the
Indian Penal Code.

3. According to prosecution case, on 23.03.2024, Suraj
Kumar Yadav reported that his brother died after his hand got
stuck in the mustard oil mill of Birendra Mahto while removing
mustard cake. The mill owner allegedly fled the scene, and the
injured was taken to Pachrukhi Government Hospital, where he
was declared dead.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case and he has not committed any



offence, as alleged in the F.I.R. In fact, the petitioner is owner of the mill in question and as per the allegation in the F.I.R., the brother of the informant put his hand in the mill and the petitioner has fled away from the place of occurrence. Learned counsel for the petitioner submits that it appears from the F.I.R. that there is no specific allegation against the petitioner that he has taken any action against the injured person but brother of the petitioner has *suo moto* entered his hand into the machine (mill).

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and there is no specific allegation against the petitioner that he has taken any action against the injured person but brother of the petitioner has *suo moto* entered his hand into the machine (mill), let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st Class, Siwan, in connection with Pachrukhi P.S. Case No.86 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the



Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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