

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26759 of 2025

Arising Out of PS. Case No.-604 Year-2021 Thana- GRIYAK District- Nalanda

Rajesh Mahto @ Rajesh Prasad S/o Late Sahdev Mahto R/o - Barith, P.S -
Katrisarai, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in connection
with Giriyak P.S. Case No. 604 of 2021 registered for the
offences punishable under Sections 302, 498 and 34 of the
Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner, being husband, has been falsely implicated in the
instant case by the informant who is his mother-in-law when
petitioner is a person with clean antecedent. It is further
submitted that marriage of the petitioner with the deceased was
performed in the year 2005 and out of the wedlock a child was
born who also died. It is further submitted that the informant
instituted the instant FIR alleging that petitioner along with



three unknown accused killed her daughter and tried to destroy the evidence by attempting to get the last rites done.

4. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case based on suspicion and the informant is not an eye witness to the occurrence. It is also submitted that the marriage of the petitioner with the deceased was performed in the year 2005 and in between 2005 till 2024 no case ever came to be instituted either by the informant or the deceased alleging that they feel threatened by the petitioner.

5. The learned APP for the State, Mr. Chandra Bhushan Prasad, opposes the anticipatory bail application of the petitioner and submits that from perusal of the allegation as alleged in the FIR, it would manifest that informant also alleges that the child, born out of the wedlock, also died under a mysterious circumstance, it is next submitted that no doubt suspicion has been raised against the petitioner, but then investigation in the case against the petitioner is continuing, as such, if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, as the FIR is of the year 2021 and the petitioner after three years at his leisure moved before the learned Trial Court seeking anticipatory bail. It is further



submitted that from perusal of the order impugned, it would manifest that the same records that the inquest report was followed by postmortem of the dead body of the victim and the cause of death on external examination was opined to be about thyroid cartilage and also recorded that the mark is directed upward parallel to the line of mandible and is incomplete at the back of the neck.

6. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the instant anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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