

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35072 of 2025

Arising Out of PS. Case No.-104 Year-2024 Thana- BHEJA District- Madhubani

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Gauri Shankar Mahto S/O Late Ramdeo Mahto @ Late Ram Dev Mahto R/O
Village- Daraha, Navtoliya, P.S- Bheja, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 10-06-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bheja P.S Case no.104 of 2024 registered under sections 329(4), 126(2), 115(2), 118, 109, 75, 303(2), 324(4), 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 to which section 103 of the Bhartiya Nyaya Sanhita, 2023 was added subsequently.

3. As per the prosecution case, over a dispute relating to agriculture field, it is stated that the nine named accused persons including the petitioner herein came variously armed. On the orders of Tirpeet Narayan Yadav, it is stated that Sushil Kumar Yadav and Hareram Yadav caught hold of the informant while Sunil Kumar Yadav gave a blow with a *kudali*. It is further stated that Tirpeet Narayan Yadav and Rambharosh Mahto also assaulted with *lathi* etc. The injured subsequently died in course



of treatment.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. On perusal of the contents of the FIR, it would transpire that except for having been named as a member of the unlawful assembly, no role nor any overt act has been alleged against the petitioner, who is in custody since 16.2.2025 and has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, no overt act having been alleged against the petitioner, his not having any criminal antecedent, his being in custody since 16.2.2025 and chargesheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Bheja P.S. Case no.104 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Jhanjharpur, District-Madhubani.

(Partha Sarthy, J)

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