

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37731 of 2025

Arising Out of PS. Case No.-346 Year-2017 Thana- ALOULI District- Khagaria

Ashok Mahto Son of Late Choudhary Mahto Resident of At- Choti
Simraha, P.S.- Allouli, District - Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma, Sr. Advocate Mr.Rakesh Kumar Sharma, Advocate
For the State	:	Mr.Arun Kumar Singh, APP
For the Informant	:	Mr.Mrityunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 09-10-2025 Heard Mr. Ramakant Sharma, learned counsel

appearing on behalf of the petitioner and learned A.P.P. for the

State duly assisted by Mr. Mrityunjay Kumar, learned counsel

appearing for the informant.

2. Learned counsel for the petitioner seeks permission

to make necessary correction in the first paragraph as well as in

the prayer portion during course of the day itself.

3. Permission is granted.

4. The accused/petitioner seeks bail in connection with

S. Tr. No. 493/2025 arising out of Allouli P.S. Case No. 346 of

2017 registered for the offences under Sections 147, 148, 341,

323, 325, 307, 504 of the Indian Penal Code and later on Section

304 of the IPC was added.



5. The accused/petitioner is named in the First Information Report and is in custody since 09.03.2025.

6. As per FIR, the accused-petitioner surrounded the informant and started assaulting him alongwith other co-accused persons, where during the course of occurrence petitioner dashed one Kamini Devi through Tractor causing injury on her head, as a result of which she received serious injury and died subsequently in course of treatment.

7. Mr. Ramakant Sharma, learned senior counsel appearing on behalf of the petitioner submitted that initially this case was registered under section 307 of the IPC, but subsequently after investigation and death of the injured, the charge-sheet was submitted under section 304 of the IPC.

8. It is pointed out by Mr. Sharma that several witnesses, during course of investigation, categorically stated while recording their statement under section 161 of the Cr.P.C. that one Rajiv Kumar, who was the driver of the tractor has dashed to the deceased Kamini Devi and not by this petitioner.

9. While concluding argument, it is submitted that investigation of this case is already completed, charge-sheet has been submitted and as such, there is no chance of tampering with the evidence and, moreover, petitioner is a man of clean



antecedent.

10. Learned A.P.P. for the State duly assisted by Mr. Mrityunjay Kumar, learned counsel appearing for the informant, while opposing the prayer for bail of the petitioner, submitted that petitioner has intentionally dashed to Kamini Devi (deceased) by using tractor. It is pointed out that the deceased Kamini Devi has named this petitioner. It is also pointed out that petitioner did not surrender before the court below in terms of direction of this Court as passed in Cr. Misc. No. 20047 of 2018 dated 20.06.2018 within four weeks of the order.

11. Taking note of aforesaid submission, it is submitted by Mr. Sharma that petitioner again approached to this Court through Cr. Misc. No. 14974 of 2024 dated 12.03.2024, where he was directed to seek regular bail without specifying any time period, and thereafter petitioner surrendered before the learned court below on 09.03.2025.

12. A report regarding stage of trial was also called for which made available to this Court vide letter no. 61 dated 21.08.2025, which speaks that case is pending before the court of session for appearance of the accused persons and even charge could not framed in this case.

13. In view of aforesaid submission and by taking note



of the fact as status of petitioner being driver of the tractor *prima facie* appears doubtful in view of statement of witnesses examined during course of investigation, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 09.03.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. - III, Khagaria/concerned court, in connection with S. Tr. No. 493/2025 arising out of Alauli P.S. Case No. 346 of 2017, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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