

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38199 of 2025

Arising Out of PS. Case No.-264 Year-2024 Thana- BHELDI District- Saran

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1. Paras Mahto S/O Late Munilal Mahto R/O Village- Chandpura, P.S- Bheldi, Distt.- Saran at Chapra (Bihar).
 2. Jitendra Mahto S/O Late Pashupati Mahto R/O Village- Chandpura, P.S- Bheldi, Distt.- Saran at Chapra (Bihar).
 3. Sarita Devi W/O Jitendra Mahto R/O Village- Chandpura, P.S- Bheldi, Distt.- Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar, Advocate
For the State	:	Mr.Aditya Narayan Singh 1, APP
For the Informant	:	Dr.Rajesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in a case registered for the offences under Sections 103(1), 3(5) of B.N.S.

3. As per the prosecution case, it is alleged that one Sonu Kumar was seen talking to Kajal Kumari at around 07:00 P.M. and at around 09:00 P.M. it was found that the named accused persons including the petitioner forcefully took away Sonu Kumar and despite hectic search the informant could not locate him and on the next day, Sonu Kumar was found hanging



from a tree.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Learned counsel further submits that there is no specific allegation levelled against them and even during the course of investigation nothing has come to connect the petitioners with the aforesaid crime barring the confessional statements that too with regard to only the allegations of the petitioners taking the said Sonu Kumar with them. It is next submitted that from perusal of the post-mortem report it would be clear that the cause of death was asphyxia due to hanging and there was no external injury found on the body of Sonu Kumar. It is lastly submitted that the petitioner has clean antecedent and is in custody since 17.08.2024.

5. Learned counsel for the informant as well as learned APP for the State have jointly opposed the prayer for bail of the petitioner and submits that the petitioners were seen to have carried Sonu Kumar with them and subsequently his body was found hanging from a tree. It is further submitted that the girl Kajal Kumari as well as the other witnesses have supported the case and there is confessional statement of accused persons.



6. Considering the aforesaid facts and circumstances of the case and taking into account that from the perusal of the post-mortem report it would be clear that the cause of death was asphyxia due to hanging and there was no external injury found on the body of Sonu Kumar(deceased), let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) on each of them with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bheldi P.S. Case No. 264/2024 (Sessions Trial No. 96/2025) subject to the conditions :-

- a. One of the bailors of the petitioners shall be their close relative.
- b. The petitioners shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.
- d. The Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have



concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the aforementioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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