

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44185 of 2025

Arising Out of PS. Case No.-236 Year-2022 Thana- PATAHI District- East Champaran

Mahendra Mahto @ Mahendra Mahato, S/o Late Satahu Mahato, R/o Village-
Badka Balua, P.S.- Patahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Adv.
Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-07-2025

1. Heard Mrs. Rashmi Jha, learned counsel for the
and Mr. Rajiv Nayan, learned APP for the State.

2. The petitioner seeks regular bail in connection with Patahi P. S. Case No. 236 of 2022 dated 11.11.2022 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

3. The main submissions advanced by the petitioner's counsel are that though the petitioner is named in the FIR but against him there is no allegation, except that he was present at the place of occurrence at the relevant time, the main allegation as to pushing the informant's son into Haramba machine which was running at that time is against the co-accused Mahesh Sah and Guddu Sah, who had enmity with the informant owing to which they were threatening as per allegation and consequently, they



committed the alleged offence but in that occurrence, the petitioner is not alleged to have played any kind of role. It is further submitted that the petitioner as well as four others were hired as labourers for working by the owner of the Haramba Machine and they were performing their work at the time of occurrence, having no knowledge of the intention of the main accused Mahesh Sah and Guddu Sah. It is lastly submitted that the petitioner has been languishing in jail since 25.04.2025, having fair and clean antecedent and against him the investigation has been completed and he is a poor labourer and further, two co-accused persons namely, Sharmila Devi and Priyanka Devi, have been granted anticipatory bail by the then co-ordinate bench of this court vide order dated 24.05.2023 passed in Cr. Misc. No. 15950 of 2023 and the main accused persons namely, Mahesh Sah and Guddu Sah have been granted anticipatory bail by co-ordinate bench of this court vide order dated 05.07.2023 passed in Cr. Misc. No. 21670 of 2023 and the case of this petitioner stands on better footing with the said co-accused persons.

4. Though, the learned APP appearing for the State has opposed the bail prayer of the petitioner but fairly accepts that the main allegation is against co-accused persons namely, Mahesh Sah and Guudu Sah.

5. Having considered the aforesaid submissions and



mainly the facts that the main allegation as to pushing the victim into running Haramba machine is against the co-accused persons namely, Mahesh Sah and Guudu Sah who have been granted anticipatory bail by the co-ordinate bench of this court and the petitioner's presence at the place of occurrence during the relevant time is said as being in the capacity of a labourer and also coupled with the petitioner's fair and clean antecedent and his custody period, this court is inclined to release him on bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Patahi P.S. Case No. 236 of 2022 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Rajiv/-

U		T	
---	--	---	--

