

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44693 of 2025

Arising Out of PS. Case No.-100 Year-2025 Thana- VAISHALI District- Vaishali

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Babi Kumar @ Baabai Kumar S/O Ramu Mahto @ Singheshwar Mahto R/O
Vill.- Abhawo, P.s.- Vaishali, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

Mr. Hemant Ray, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 16-09-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Vaishali
P.S. Case No. 100 of 2025 instituted for the offences under
Sections 103, 140, 238, 3(5) of the Bhartiya Nyaya Sanhita,
2023.

3. As per prosecution case, the accused against the
accused persons including the petitioner is of committing
murder of the Informant's sister and, thereafter, disappearing the
dead body.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



merely on the basis of suspicion just because he happens to be the relative of the husband of the deceased. The petitioner is the cousin of the husband of the deceased. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. He further submits that there is delay of two days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The husband of the petitioner namely Shyam Kumar Mahto is already in custody since 21.03.2025. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.03.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 103, 238, 3(5) of the B.N.S., 2023.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner



and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Vaishali P.S. Case No. 100 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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