

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49179 of 2025

Arising Out of PS. Case No.-226 Year-2024 Thana- BAIRIYA District- West Champaran

Virendra Kumar Mahto @ Virendr Mahto S/o Rameshwar Mahto R/o Village-
Siswa Saraiya, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 13-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bairiya
P.S. Case No. 226 of 2024, Sessions Trial No. 107/2025 dated
03.07.2024 registered for the offences punishable under
Sections 126, 115(2), 109 read with Section 3(5) of the B.N.S.

3. As per the prosecution case, on 03.07.2024 at about
3.00 P.M., the petitioner and the other co-accused persons
started plucking mango from the mango orchard of the
informant, Lal Mohammad Gaddi, and when his son,
Sahabuddin, made protest then the co-accused Anand Mahto
threw him on the pucca road and Virendra Mahto (petitioner)
assaulted him with an iron rod causing injury. He was brought to



G.M.C.H., Bettiah and from where he was referred to Patna for better treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that both parties are the residents of the same village and the deceased was the close friend of the petitioner's younger brother, Anand Mahto. It is submitted that as per paragraph no. 10 of the case diary, the informant is not eye witness to the alleged offence. When the petitioner was arrested he was not put on T.I. Parade to ascertain the accusation against him. The real fact is that the deceased and the co-accused Anand Mahto i.e., the petitioner's younger brother were sitting on a branch of mango tree and the deceased lost his balance and fell down on the ground from the tree and received injury and thereafter he was brought to the hospital where he died. The alleged occurrence took place on the spur of the moment. Learned counsel has submitted that two witnesses have been declared hostile. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 05.07.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner by submitting that



the specific allegation of assaulting the deceased with an iron rod is against the petitioner which is also supported from the postmortem report of the deceased. Earlier the regular bail of the petitioner was rejected by this court vide order dated 01.05.2025 passed in Criminal Miscellaneous No. 84125/2024.

6. Considering the aforesaid facts and circumstances of the case as well as specific and heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Bairiya P.S. Case No. 226 of 2024, Sessions Trial No. 107/2025, pending in the court of learned Additional Sessions Judge-V, Bettiah, West Champaran.

7. The application stands rejected.

8. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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