

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47269 of 2025

Arising Out of PS. Case No.-434 Year-2024 Thana- BIHARIGANJ District- Madhepura

Surendra Mahto @ Sulendra Mahto S/o Yogendra Mahto R/o Village-
Jhanjhari, Ward No. 07, P.S.- Gwalpara, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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

ORAL ORDER

4 12-11-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Bihariganj P.S. Case No. 434 of 2024 instituted for the offence
under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita,
2023 and Section 27 of the Arms Act

3. As per the prosecution case, the father of the
informant was shot dead by the accused persons.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 11.01.2025. Petitioner
bears one criminal antecedent, as per disclosure made in
paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired in this case during investigation. Learned counsel submits that from perusal of the FIR, it would manifest that informant specifically stated that co-accused, Anand Kumar Mahto, Manish Kumar, Vidyanand Mahto, Fanish Kumar , Mishri Lal Mahto and Ladoo Kumar along with 3-4 unknown persons indiscriminately fired upon his father, but he has not stated the name of the petitioner. Charge sheet has already been submitted in this case. Other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 09-07-2025, passed in Cr. Misc. No. 41617 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Other witnesses have supported the prosecution case. As per postmortem report, cause of death is shock and hemorrhage due to fire arm injury.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no specific allegation against the petitioner even in the case diary and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.



8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihariganj P.S. Case No. 434 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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