

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50873 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- SUPPI District- Sitamarhi

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1. Madhu Mahto, aged about 25 years, Male, S/o- Gukhudayal Mahto, Resident of Village- Akhta, P.S.- Suppi, Dist- Sitamarhi
 2. Manoj Mahto, aged about 23 years, Male, S/o- Sukhdayal Mahto, Resident of Village- Akhta, P.S.- Suppi, Dist- Sitamarhi
 3. Shivmangal Mahto, aged about 30 years, Male, S/o- Vinod Mahto, Resident of Village- Akhta, P.S.- Suppi, Dist- Sitamarhi
 4. Akash Mahto, aged about 23 years, Male, S/o- Munna Mahto, Resident of Village- Akhta, P.S.- Suppi, Dist- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ashok Kumar Jha, Advocate
For the Opposite Party	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 29-08-2025 Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of the petitioner no. 2, namely, Manoj Mahto, in connection with Suppi P.S. Case No. 156 of 2024, pending in the court of learned J.M. Ist Class, Sitamarhi.

2. Permission is accorded.

3. Accordingly, the present anticipatory bail application filed on behalf of the petitioner no. 2, namely, Manoj Mahto, is dismissed as withdrawn.



4. Heard learned counsel for the petitioner nos. 1, 3 and 4 and learned Additional Public Prosecutor for the State.

5. The petitioner nos. 1, 3 and 4 are apprehending their arrest in a case in connection with Suppi P.S. Case No. 156 of 2024 dated 10.09.2024 registered for the offences punishable under Section 103(1) read with Section 3(5) of the B.N.S., 2023.

6. As per the prosecution case, there was some dispute with regard to passage between the informant's cousin brother Sunil Mahto and the accused persons. On 08.09.2024 at about 7.30 P.M., Munna Mahto, Sanjay Mahto, Chhibela Mahto, Subodh Mahto, Manoj Mahto, Sangeeta Devi, Ranju Devi, Ghauri Devi, Madhu Mahto (petitioner no. 1), Surendra Mahto, Aakash Mahto (petitioner no. 4), Shiv Mangal Mahto (petitioner no. 3) and Lal Babu Mahto are alleged to have come to the door of the informant and started abusing and further the co-accused Munna Mahto, Sangeeta Devi, Aakash Mahto (petitioner no. 4), Chhibela Mahto, and Manoj Mahto dragged his cousin brother Sunil Mahto and the co-accused Munna Mahto and Manoj Mahto stabbed him and due to alarm, other persons came there and then they managed to escape. Thereafter, the injured was taken to the hospital for treatment where the doctor declared him dead.



7. Learned counsel for the petitioner nos. 1, 3 and 4 has submitted that they are innocent and have falsely been implicated in this case. There is general and omnibus allegation against them. There is specific allegation of stabbing knife blow on the deceased against the co-accused Munna Mahto and Manoj Mahto. It is submitted that the alleged occurrence took place on 08.09.2024 and the F.I.R. has been lodged on 10.09.2024 and there is delay of two days in lodging the F.I.R., and no explanation for such delay has been given by the prosecution. It is further submitted that the reason behind the occurrence has not been mentioned by the informant in the F.I.R. It is further submitted that the informant did not rescue the deceased when the accused persons dragged the deceased to some distance and he has not raised any alarm. It is further submitted that the real fact is that the deceased himself received injury while he was engaged in agricultural work and lodged the present false case against the petitioner nos. 1, 3 and 4 and others. It is further submitted that all the accused persons belongs to the same family. There is no recovery from their possession. It is further submitted that the other co-accused person, namely, Dwivela Mahto @ Chhabila Mahto @ Dibela Mahto @ Davela Mahto @ Chhabilal Mahto has already been



granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 34748 of 2025 vide order dated 22.08.2025. The petitioner nos. 1, 3 and 4 have no criminal antecedent as stated in para 3 of the bail petition.

8. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner nos. 1, 3 and 4.

9. Considering the aforesaid facts and circumstances of the case, let the above named petitioner nos. 1, 3 and 4 (except petitioner no. 2, namely, Manoj Mahto), in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Sitamarhi in connection with Suppi P.S. Case No. 156 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023 with further condition:-

(I) The petitioner nos. 1, 3 and 4 are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of



the petitioner nos. 1, 3 and 4 are liable to be
cancelled.

10. The application stands allowed only against
petitioner nos. 1, 3 and 4.

(Chandra Prakash Singh, J)

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