

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63726 of 2025

Arising Out of PS. Case No.-220 Year-2012 Thana- BALIYA District- Begusarai

1. Pavitar Mahto S/o Ramjee Mahto R/o vill - Mirjapur, P.s.- Balia, Distt.- Begusarai
2. Kumod Mahto S/o Ramjee Mahto R/o vill - Mirjapur, P.s.- Balia, Distt.- Begusarai
3. Amol Mahto @ Anmol Mahto S/o Ramjee Mahto R/o vill - Mirjapur, P.s.- Balia, Distt.- Begusarai
4. Parma Mahto @ Parmanand Mahto S/o Ramjee Mahto R/o vill - Mirjapur, P.s.- Balia, Distt.- Begusarai
5. Helan Mahto @ Helam Mahto @ Singheshwar Mahto S/o Mahaveer Mahto R/o vill - Mirjapur, P.s.- Balia, Distt.- Begusarai
6. Sulendra Mahto S/o Late Mahto R/o vill - Kishanpur, P.S.- Balia, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhusan Poddar, Adv.

For the Opposite Party/s : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with S.T. No. 127 of 2014 arising out of Balia P.S. Case No. 220 of 2012 instituted for the offences under Sections 147, 148, 149, 307, 447, 379 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the



accused persons including the petitioners is of firing indiscriminately with an intention to kill the informant. It is also alleged that the accused persons also taken away with them one bag of wheat-seeds and one bag of fertilizer as also one bicycle.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. The present case is the misuse of grant of bail to the petitioners. Learned counsel for the petitioner further submits that actually the bail bonds of the petitioners was cancelled on 10.01.2025 and, on surrender, bail was granted to all the accused persons on 21.04.2025 with condition to appear physically till disposal of the case but, they did not comply the court order and an opportunity was given on 29.05.2025 but, again they did not comply with the order and on 01.07.2025, the bail bond of the petitioners was cancelled. Learned counsel for the petitioners further submits that the petitioners thereafter surrendered before the court below on 30.07.2025 and, since then, they are in custody. Learned counsel for the petitioners further submits that already the Dasti Summons has been issued to the prosecution witnesses on 05.10.2024 but, due to non-pairvi of the accused persons, the proceeding could not move



ahead. Learned counsel for the petitioners further submits that the petitioners undertake to abide by any conditions imposed by this Court, if released on bail.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioners, the petitioners having no criminal antecedent as also the undertaking given by the petitioners, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S.T. No. 127 of 2014 arising out of Balia P.S. Case No. 220 of 2012, subject to the following conditions;

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

(ii) The petitioners 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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