

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70204 of 2025

Arising Out of PS. Case No.-1049 Year-2023 Thana- KAHALGAON District- Bhagalpur

Dasrath Mahto @ Dasu Mahto S/o Late Rajan Mahto R/o Village-
Maheshamunda Bind Toli, P.S-Kahalgaon, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-10-2025 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in connection with
Kahalgaon P.S. Case No. 1049 of 2023 registered for the offence
under Section(s) 302/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner along
with two other FIR named accused persons brutally assaulted
the son of the informant who died during the course of the
treatment.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has not committed any offence. He
further submits that the deceased Dharmvir Mahto was an
alcoholic and due to heavy drinking he was ill and treatment
was going on. In a drunken condition, the deceased entered the



house of one Sosiya Devi at 11:00 in the night and tried to commit rape on the point of pistol. It is submitted that due to drinking, the deceased was seriously ill and he was bed ridden and all of a sudden on 08/09/2023 his condition became bad in the morning of 08/09/2023, he died. The F.I.R. has been lodged after an inordinate delay of ten days without any explanation which renders the entire prosecution case doubtful. The petitioner is in custody since 20.12.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances, this application for regular bail is allowed.

7. Accordingly, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-IV, Bhagalpur/concerned Court below in connection with Kahalgaon P.S. Case No. 1049 of 2023.

(Sandeep Kumar, J)

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