

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71768 of 2025**

Arising Out of PS. Case No.-285 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Shivam Mahto @ Shivam Kumar Mahto Sajan Mahto @ Ram Kumar Mahto
R/o Village - Bhatgama ,Ward No. 27, P.S. - Dalsingsarai, Dist. - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with Dalsingsarai P.S. Case No. 285 of 2024 instituted for the offences under Sections 126(2), 115(2), 109, 103, 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. As per prosecution case, an altercation took place over opening a shop between the informant and the accused persons. It is further alleged that two co-accused persons fired



upon the door of the shop, causing injuries to the father of the informant, who ultimately died.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that from perusal of the FIR it is evident that the occurrence took place in the midnight at around 1 AM and therefore, it was not ascertainable for the informant that who fired upon the deceased and, merely on the basis of previous enmity, the informant named the petitioner in the FIR. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.01.2025 and has three criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that as per FIR, there is direct allegation against the petitioner that he fired upon the deceased due to which he died.

6. Considering the aforesaid facts and circumstances of the case, there being direct allegation of firing upon the deceased against the petitioner, this Court is not inclined to



grant bail to the petitioner at this stage.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

(Rudra Prakash Mishra, J)

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