

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75644 of 2025

Arising Out of PS. Case No.-126 Year-2024 Thana- Mufassil District- Khagaria

Butani Mahto S/o Ramdas Mahto R/o Village- Chandi Mahto tola,
Tikarampur, P.S.- Muffasil, Distt- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Singh, Sr. Advocate
	:	Mr. Manish Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-11-2025 Heard Mr. Rajesh Singh, learned senior counsel for
the petitioner and Mr. Lakshmi Kant Sharma, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 126 of 2024, F.I.R. dated 28.09.2024 for the offences punishable under Sections 191(2), 191(3), 190, 127(2), 115(2), 109, 352, 351(2), 3(5) of BNS and Section 27 of Arms Act and later on added Section 130(1), 61(2) of BNS.

3. As per the First Information Report, the petitioner along with other co-accused persons killed the brother-in-law of the informant.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. From bare perusal of the FIR it appears that the informant is not the eye witness of the alleged occurrence and it appears from the FIR itself that there is no specific allegation of firing attributed against the petitioner rather the allegation levelled against the petitioner including other co-accused persons are general and omnibus in nature. He further submits that similarly situated co-accused person, namely, Bindul Mahto was acquitted in Sessions Trial No. 268 of 2025 vide order dated 12.09.2025 and other co-accused person, namely, Indal Mahto @ Indul Mahto has been granted the privilege of anticipatory bail vide order dated 24.09.2025 in Cr. Misc. No. 20907 of 2025 by the co-ordinate Bench of this Court.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that it appears from the paragraph-17 of the bail petition that supplementary investigation is continue against the petitioner.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and one of the co-accused has been acquitted by the learned trial court and other co-accused



has been granted the privilege of anticipatory bail by the co-ordinate Bench of this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Muffasil P.S. Case No. 126 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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