

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80360 of 2025

Arising Out of PS. Case No.-58 Year-2025 Thana- Shahpur P.S. District- Nawada

Sanjay Mahto S/o Brahmdeo Mahto @ Brahma Dev Mahto R/o Village-
Jagdishpur, P.S- Shahpur, Dist- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Shahpur P.S. Case No. 58 of 2025 registered for the alleged offences under Sections 191(1), 191(2), 190, 126(2), 115(2), 74, 303(2), 324(4), 109, 352, 351(2), 329(4) of Bharatiya Nyaya Sanhita, 2023 and later on added Section 103(1) of BNS.

03. As per prosecution case, the co-accused persons attacked the house of the informant and assaulted the informant and his family members. They also destroyed the *pandal* erected for the marriage of the sister of the informant and damaged the beautification material. The assailants also looted jewelries and other articles kept for marriage of the sister of the informant.



The name of petitioner transpired during investigation for also being involved in the occurrence. In the assault made by the petitioner and other co-accused persons, one Sonu Kumar died.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not initially named in the FIR and his name cropped up in this case subsequently. In the re-statement of the informant, the petitioner has been named in this case due to previous enmity as he is a Ward Member. There is no material on record to show the involvement of the petitioner in the present case. The petitioner was not present at the place of occurrence and for this reason, he has not been named in the FIR. The petitioner has been named in this case after seven days of occurrence and this shows it is an afterthought and deliberation. A number of co-accused persons have been granted anticipatory bail by the different Co-ordinate Benches vide order dated 15.10.2025 passed in Criminal Misc. No. 53751 of 2025, order dated 26.11.2025 passed in Criminal Misc. No. 74962 of 2025 and order dated 27.11.2025 passed in Criminal Misc. No. 70681 of 2025, respectively. One of the co-accused, namely, Akhilesh Prasad, has been granted regular bail by a Co-ordinate Bench vide order dated 10.09.2025 passed in Criminal



Misc. No. 62915 of 2025. The petitioner is having clean antecedent and is in custody since 22.08.2025. Charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the name of petitioner did not utter initially in the FIR and further considering the general and omnibus allegation without attributing any specific overt act against the petitioner and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to 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 learned Additional Chief Judicial Magistrate-VI, Nawada/court concerned in connection with Shahpur P.S. Case No. 58 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

