

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1984 of 2026

Arising Out of PS. Case No.-84 Year-2025 Thana- DARIYAPUR District- Saran

Bitu Mahto @ Bitu Kumar @ Bitu Kumar Mahto S/O Jamadar Mahto @
Jaamdar Singh Resident Of Village- Sobhepur, P.S- Nayagaon, Distt.- Saran at
Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Binod Singh, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

7 13-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Dariyapur P.S. Case No. 84 of 2025, registered for the offences under Sections 103(1), 238, 3(5) of the BNS.

3. As per the prosecution case, the informant was told by some females of his village about dead body of his grand-daughter lying in a wheat field, some distance away from his house. It was found that the grand-daughter of the informant was knifed to death. The name of the petitioner transpired during investigation for being involved in the murder of the grand-daughter of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has been



falsely implicated in this case. There is no eye witness to the occurrence. The FIR has been lodged against unknown. Only on the basis of call detail report of the petitioner and the mother of the deceased, the petitioner has been made accused in this case. The petitioner has been working as a labourer in an icecream factory and police forced him to confess the crime. The FIR has been instituted on 17.02.2025 at 11:30 am whereas the post mortem was conducted on 16.02.2025 at 05:00 PM. The FIR has been lodged after deliberation and therefore, it could not be relied upon. The time of death does not correspond with the mobile location of the petitioner as the petitioner was away from the place of occurrence when the murder was committed. Learned counsel further submits that police submitted charge sheet on 09.05.2025 and thereafter, there is no progress in the trial. Learned counsel also submits that though recovery of knife has been shown at the instance of the petitioner, but no blood stain was found and there was nothing for FSL to examine and nothing to proceed in this case showing the involvement of the petitioner. Learned counsel further submits that the petitioner has no criminal antecedent and he is in custody since 24.02.2025.

5. Learned APP appearing for the State opposes the



submission made on behalf of the petitioner. Learned APP submits that at the instance of the petitioner, recovery of knife from which the murder was committed was made.

6. Having regard to the facts and circumstances and submissions made on behalf of the petitioner and considering the fact that recovery of murder weapon is said to be made at the instance of the petitioner, I am not inclined to enlarge the petitioner on bail and hence, his prayer for bail is rejected.

7. Since the petitioner is in custody for about 1 ½ years the learned trial court is directed to expedite the trial and conclude the same, at the earliest.

8. The Superintendent of Police, Saran at Chapra is directed to ensure that witnesses are produced before the learned trial court without fail, otherwise, the Superintendent of Police will appear in person before this Court to explain the circumstances.

(Arun Kumar Jha, J)

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