

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4316 of 2026

Arising Out of PS. Case No.-591 Year-2025 Thana- MADHAURAH District- Saran

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Ram Ishwar Mahto S/o Late Heera Mahto R/o Village- Dew Bahuara, P.s.-
Marhaura, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-02-2026 Heard Mr. Jitendra Kumar, learned counsel for the

petitioner, Mr. Surendra Prasad Singh, learned Additional Public

Prosecutor for the State.

2. The petitioner in this application prays for grant of anticipatory bail apprehending his arrest in connection with Madhaurah P.S.Case no. 591 of 2025 registered for the offence punishable under sections 126(2), 115(2), 109, 303(2), 352, 351(2) and 3(5) of the Bhartiya Nyay Sanhita, 2023.

3. According to prosecution case, during the course of land measurement, all the accused persons including this petitioner have abused and assaulted the informant and his wife and the petitioner ordered to co-accused Manoj Mahto to kill the informant and his wife.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the F.I.R is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the FIR there is no specific allegation of assault or overt act attributed to the petitioner. He is only order giver to the co-accused Manoj Mahto. He further submits that the co-accused Manoj Mahto has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 28.01.2026 passed in Cr. Misc. No. 3801 of 2026. There is case and counter case between the parties.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and that the petitioner has clean antecedent, there is case and counter case between the parties as well as co-accused has already been granted anticipatory bail, 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 CJM, Saran at Chapra, in connection



with Madhaurah P.S. Case No. 591 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 bonds 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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