

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17522 of 2026

Arising Out of PS. Case No.-442 Year-2024 Thana- RAXAUL District- East Champaran

1. Rajaram Mahto Son of Late Ramsewak Mahto Resident of Village-Senwaria Police Station-Raxaul, District-East Champaran
2. Chhotelal Mahto son of Late Ramsewak mahto Resident of Village-Senwaria Police Station-Raxaul, District-East Champaran
3. Dharamraj Kumar Son of Chhotelal Mahto Resident of Village-Senwaria Police Station-Raxaul, District-East Champaran
4. Radha Kumari Daughter of Chhotelal Mahto Resident of Village-Senwaria Police Station-Raxaul, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Waliur Rahman, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-03-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Raxaul P.S. Case No. 442 of 2024, registered for the offence under Sections 103, 238, 61(2), 126(2), 115(2), 64, 3(5) of the B.N.S., lodged on 14.11.2024 by the informant, Jyoti Lal Mahto.

3. As per the prosecution story, the informant got information that Rajpal Mahto has committed rape upon her sister (XX). As he reached the place, saw the idle body of his sister with torn dress. As he tried to nab the accused, Rajpal



Mahto upon his call, the family members including the petitioners came and rescued him. This led to the FIR.

4. Learned counsel for the petitioners submit that the main allegation is against Rajpal Mahto who is already in custody. The unfortunate incident has taken place and the girl is no more. However, to implicate all the family members, the FIR. The petitioners have got no criminal antecedent and the last submission is that the similar accused person, namely, Krishna Mahto @ Krishna Mohan Kumar who is also named with the petitioners has been granted bail vide order dated 19.11.2025 passed in Cr. Misc. No. 78791 of 2025. Let the same be kept on record.

5. Learned APP opposes the prayer submitting that though the main allegation of assault and killing is against Rajpal Mahto, these petitioners ensured that he escapes.

6. Taking into account the submissions of the parties as also that a categorical submission of the learned counsel for the petitioners and similarly place co-accused Krishna Mahto @ Krishna Mohan Mahto has been extended relief as recorded above, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event



of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Raxaul, East Champaran at Motihari, in connection with Raxaul P.S. Case No. 442 of 2024, subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document (Aadhar Card/Voter Id/Driving License /Pan Card) to show their bona fide;

(ii) the petitioners shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iv) the petitioners shall appear before the concerned police station every month for next six months to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;



(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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