IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26357 of 2026

CNR No. BRHC010356182026

Arising Out of PS. Case No.-63 Year-2024 Thana- TIKAPATTI District- Purnia

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Ram Bharosi Mahto son of Mohit Mahto Resident of Village -Goriyar Purab PS- Tikkapatti District -Purnia

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate
Mr. Vishal Kumar Arya, Advocate
Mr. Satyendra Deo Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

4 06-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Petitioner, who is custody, seeks regular bail in connection with Tikkapatti P.S. Case No. 63 of 2024 for the offences punishable under Sections 302, 120B of the Indian Penal Code.

3. As per the prosecution case, the deceased gained knowledge about the plan made by family members of the petitioner, after which she went back to her maternal home. However, she returned along with petitioner and in-laws after the petitioner swore that he will not hurt the deceased on 12.04.2024. The alleged persons, including the petitioner,

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committed murder of the deceased on the same night and informed the mother of the deceased (informant) that she had committed suicide on the very night she returned to her matrimonial home. On 13.04.2024 the body of the deceased was found by the family of the deceased, and thereafter FIR was lodged on 14.04.2024.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case without there being any eyewitness to the incident or independent witness being examined by prosecution. It is submitted that glaring inconsistencies in the statements of witnesses render the prosecution story doubtful. Statement of PW3 sister-in-law Ruby Devi in para 22 has deposed that the petitioner called to inform about the incident at about 8 to 9 am while PW4, another sister-in-law, mentions that the call was received at 6 a.m. and they reached there at 7 a.m. Pertinently, PW4 mentions in para 19 of her cross-examination that the petitioner himself deposed that he killed the deceased, but such a crucial fact was not mentioned by any other witnesses. PW5 (informant) omitted mentioning crucial details regarding what she saw when she entered the site of occurrence and that she was told by her granddaughter that the petitioner hit deceased, rather this fact

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was mentioned for the first time in her chief examination and cross-examination. It is also submitted that there are various contradictions regarding the motive of the crime, which is alleged to be that the deceased had taken loans and the petitioner killed her because she was unable to repay them. This is evident from the contradictions in the deposition of P.W.1 in para 11 of his cross examination, para 16 of cross examination of PW3 and para 6 of cross examination of PW4. Such vital omissions render the prosecution case unbelievable, and it has lastly been submitted that the petitioner has clean antecedent and he is in custody since 05.05.2024.

5. The learned A.P.P. has vehemently opposed the prayer for bail. The minor contradictions does not affect the root of the prosecution story and do not demolish the prosecution story. The incidents narrated clearly establish that the deceased was murdered by the petitioner, which is also corroborated by the post-mortem report and moreover, the trial is on the verge of completion and hence, he does not deserve the liberty of bail.

6. Considering the aforesaid submissions made by the parties and taking account that during the trial, the witnesses of the prosecution have given contradictory version of incidents with regard to presence of the persons at the place of occurrence

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and also as to who had reached the place of occurrence as well as the differences in the time given by the prosecution witnesses and very importantly, the motive being not clear and last but not the least, taking the period of custody into consideration, let the petitioner, above named, 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 court below where the case is pending/successor court in connection with Tikkapatti P.S. Case No. 63 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two 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.

(iv) The learned 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

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delayed for purpose of or in the name of verification.

(v) The petitioner shall in no way try to coerce, influence or threaten the prosecution witnesses yet to be examined, and if such allegations are found, the prosecution shall be at liberty to move the learned Trial Court for cancellation of bail.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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