

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30145 of 2026

Arising Out of PS. Case No.-403 Year-2021 Thana- ROSERA District- Samastipur

Ram Babu Mahto S/O Umesh Mahto Resident of Village- Khaira Dargah,
P.S.- Rosera, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13, Advocate
For the Informant	:	Mr. Madhav Kumar, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2026 Heard Mr. Manish Kumar No 13, learned counsel for the petitioner, Mr. Madhav Kumar, learned counsel for the Informant and Mr. Nawal Kishore Prasad, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 16.01.2026, in connection with Rosera P.S. Case No. 403 of 2021 corresponding to G.R. No. 1275 of 2021 giving rise to Sessions Trial No. 92 of 2026, F.I.R. dated 16.12.2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner along with co-accused person called the husband of the deceased and thereafter killed him.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that 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. Learned counsel for the petitioner further submits that the police after investigation submitted chargesheet no. 440 of 2024 dated 30.11.2024 in favour of the petitioner and the petitioner has not sent up for trial but the learned Court below (A.C.J.M. 1st, Rosera, Samastipur) in a mechanical manner has taken cognizance vide order dated 24.04.2025 under Section 302/34 of the Indian Penal Code. Learned counsel for the petitioner further submits that on the basis of confession, knife and mobile of deceased was recovered from the possession of co-accused person and the petitioner has no role at all in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 16.01.2026.

5. Learned counsel for the Informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case



and the fact that the petitioner having clean antecedent and the police after investigation submitted chargesheet in favour of the petitioner but the learned Court below in a mechanical manner has taken cognizance in favour of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-I, Rosera, Samastipur in connection with Rosera P.S. Case No. 403 of 2021 corresponding to G.R. No. 1275 of 2021 giving rise to Sessions Trial No. 92 of 2026, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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