

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31173 of 2026

Arising Out of PS. Case No.-786 Year-2025 Thana- FATEHPUR District- Gaya

1. Nageshwar Mahto S/o of Devki Mahto R/o Village - Jaspur, P.S. - Fatehpur, Dist. - Gaya Ji.
2. Sunil Mahto S/o Nageshwar Mahto R/o Village - Jaspur, P.S. - Fatehpur, Dist. - Gaya Ji.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2026 Heard Mr. Sheo Nandann Prasad, learned counsel
for the petitioners and Mr. Ajay Kumar Jha, learned Additional
Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since
29.12.2025 in connection with Fatehpur P.S. Case No. 786 of
2025, F.I.R. dated 05.12.2025 for the offences punishable under
Sections 103(1), 238 and 3(5) of the BNS, 2023.

3. According to prosecution case, all the accused
persons including these petitioners assaulted the daughter of the
informant due to which she died.

4. Learned counsel for the petitioners submits that
petitioners have clean antecedent and they have falsely been



implicated in the present case. The allegation as alleged in the F.I.R is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R and they have been made accused in the present case merely on the ground that petitioner no. 1 is father-in-law and petitioner no. 2 is brother-in-law of the deceased. From perusal of the F.I.R it appears that there is no specific allegation of assault or demand of dowry attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. In fact, the marriage of the deceased with the son of the petitioner no. 1 has been performed in the year 2017. He further submits that the husband of the deceased who is son of the petitioner no. 1, namely, Sudhir Mahto is in judicial custody. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 29.12.2025.

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

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the



learned CJM, Gaya Ji in connection with Fatehpur P.S. Case No. 786 of 2025, subject to the following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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