

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35383 of 2026

Arising Out of PS. Case No.-776 Year-2025 Thana- MADHAURAH District- Saran

1. Ramdayal Mahto Son of Pukar Mahto Resident of Village- Bhawalpur, P.S.- Marhowrah (Marhaura), District- Saran (Chapra).
2. Dini Mahto @ Dindayal Mahto S/o- Pukar Mahto Resident of Village- Bhawalpur, P.S.- Marhowrah (Marhaura), District- Saran (Chhapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Swarnima, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 06-07-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in connection with Marhowrah (Madhaura) P.S. Case No. 776 of 2025 instituted for the offence under Sections 103, 109, 115(2), 126(2), 351(2), 352 and 3(5) of BNS.

3. The case of the prosecution is that the petitioners along with others have stabbed the son of the informant. It is further alleged that one Vicky Kumar who was attempting to rescue the deceased, was also being assaulted with knife.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have committed no offence.



Learned counsel for the petitioners has submitted that as per the case of the prosecution, the occurrence has taken place in a marriage party and it is alleged that the petitioners have dragged the deceased from the marriage party and have killed him. Learned counsel has submitted that it is highly improbable that a man will be dragged from the marriage party and nobody will object. It has further been submitted that it is the case of the prosecution that one Vicky has seen the occurrence as he was attempting to rescue the deceased and has also received injury but there is no injury report of the said eye witness, namely, Vicky. Learned counsel has submitted that there is allegation against four persons that they have assaulted with knife whereas from perusal of the postmortem report, it transpires that the deceased has received an incised wound over anterior chest and the doctor conducting autopsy has opined that the cause of death is hemorrhage and shock due to above mentioned injuries caused by sharp object.

5. Learned counsel has further submitted that the deceased himself was not a man of clear antecedent. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 25.11.2025.



6. Learned APP appearing for the State has vehemently opposed the prayer for regular bail of the petitioners and has submitted that there is direct allegation against the petitioners of stabbing the deceased. During course of investigation, Vicky the eye witness of this case has also given his statement before police wherein he has stated that the petitioners have stabbed the deceased.

7. Having heard the learned counsel for the parties and considering the facts and circumstances of this case, I am not inclined to enlarge the petitioners on bail at this stage and, as such, their prayer for bail stand rejected.

8. However, the petitioners may be at liberty to renew their prayer for bail after six months if the trial is not concluded.

9. Learned trial court is directed to expedite the trial.

(Ashok Kumar Pandey, J)

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