

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39883 of 2026

Arising Out of PS. Case No.-369 Year-2023 Thana- PUPRI District- Sitamarhi

Shiv Chandra Mahto Son of Late Gudar Mahto Resident of Village- Parsauni
P.S.- Pupri, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-07-2026 Heard Mr. Ashok Kumar Jha, learned counsel for
the petitioner as well as Mr. Sunil Kumar Pandey, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
18.03.2026 in connection with Pupri PS Case No. 369 of 2023,
FIR dated 28.08.2023, registered for the offences punishable
under Sections 341, 323, 307 and 504 read with Section 34 of
the Indian Penal Code and later on Section 302 of IPC was also
added.

3. According to prosecution case, the co-accused
persons along with the petitioner came to field of the informant
and started abusing him and his father and also inquired about



why the informant sold a certain piece of land. Later on they starting assaulting the father of the informant by means of lathi due to which he suffered injuries on his head and became senseless.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that upon perusal of the FIR it appears that although the petitioner is named in the FIR but there is no specific allegation of any assault or overt act attributed against him, rather specific allegation of assault is against co-accused persons namely, Amar Mahto and Tarkesi Mahto. At best, the petitioner may be considered as the member of the mob. He next submits that similarly situated co-accused person, Ram Jiwan has been granted the privilege of anticipatory bail by this Court vide order dated 07.02.2024 in Cr. Misc. No. 3328 of 2024. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.03.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner and similarly situated co-accused person has been granted the privilege of anticipatory bail by this Court, 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 Sub Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Pupri PS Case No. 369 of 2023, subject to the following conditions:-

i. 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.

ii. If the petitioner 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 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 delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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