IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54567 of 2026

CNR No. BRHC010772372026

Arising Out of PS. Case No.-64 Year-2024 Thana- KHUSRUPUR District- Patna

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Jagdish Mahto S/o Jhapasi Mahto R/o Village - Hardasbigha, Bind Toli, P.S - Khusrupur, District - Patna

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Mickey Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 06-11-2026 Heard Ms. Mickey Singh, learned counsel for the petitioner and the State.

2. The petitioner is in custody in connection with Khursrupur P.S. Case No. 64 of 2024 for the offence punishable under Sections 302, 201, 120(B)/34 of the I.P.C. lodged on 18.02.2024 by the informant, Arvind Kumar.

3. As per the FIR, the police who is the Station House Officer, Khusrupur, Patna alleged that in the night, he got confidential information that the accused persons along with other unknown have killed a lady (Bhukhiya Devi) and a man by drowning them into the river. On such information, the police raided the place and picked up the petitioner, Ashiq Kumar @ Ghamandi Kumar @ Pankaj Kumar. Upon search from his

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pocket, a mobile was found containing a video recording which clearly shows that a female and a male were tied in rope, beaten. As the said video was sent to one Nand Kumar's mobile, he was also picked up and then Nand Kumar gave the statement that the lady was having illicit relationship with the unknown and when they were found in objectionable position, on the alarm raised by Sobia Devi, Munni Lal Mahto, Fula Devi, Jagdish Mahto, Raj Kumari Devi, Samil Kumar, Mukesh Kumar, Horil Mahto, Raj Kumar, Chandeshwar Mahto, Somar Mahto, wife of Mukesh Mahto, Ashok Mahto, Pragya Mahto, Jaddu Mahto, Sikandar Mahto, Ramtahal Mahto, Dilip Mahto along with 10-15 persons were present who took unanimous decision to assault and later dragged them to river Ganga and after taking them on a boat, they were thrown to drown in the river. This led to the FIR.

4. Earlier the report was called for from the Trial Court which read as under:

> ***"1****. That the case record of Khusrupur P.S. case no. 64 of 2024 (S.tr.921/25) is pending in this court with six accused facing trial out of whom five accused are on bail while one Jagdish Mahto is in custody.*

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2. *The case record was received in this court on 01-06-26 from the court of Ld. DASJ I. The accused are charged for sections 147,148,302/149,201/149,120B of IPC. The charge was framed on 08-09-2025.*

3. *The case is at present at the stage of evidence. There are in total twelve charge-sheeted witnesses including the 1.0.*

4. *Till date altogether five witnesses have been examined all of whom are official witnesses. As most of the witnesses are members of the police team a reminder is ordered to be issued against witnesses.*

5. *That the postmortem report was also called for by the Hon'ble Court along with the case diary in this regard it is submitted that it is alleged against the accused that they had forcibly drowned the deceased in river Ganga and killed them. In course of investigation the dead bodies of the deceased were not recovered and no postmortem was conducted and so there is no postmortem report was available on the record.*

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__6__. As the investigation is still pending a fresh report was called for from the P.S. as to whether any postmortem was conducted at subsequent stage. The report dated 17.09.2026 is received from Khusrupur P.S which shows that the dead bodies aren't recovered in this case till date so no postmortem report is available. (Annexure-2)

7. A report regarding the criminal antecedent was also called for and it has been submitted by the police station that one case Khushrupur 3/24 dated 2.01.2024 u/s 147,148,149,323,325,307,504 and 506 of IPC is pending against the accused. (Annexure-3)

The report is submitted for perusal."

Submitted by

(Akansha Kashyap)

District & Addl. Sessions Judge

Patna City

5. This Court fails to understand why there is delay in conclusion of the Trial when most of the witnesses are Government servants. It has been recorded that out of twelve charge sheet witnesses, five have been examined till 22.09.2026

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when the report has been submitted.

6. It is further made clear that when the allegation is that both the male and the female partners were drowned in the river and the dead body was not recovered, there is no need to repeatedly ask for the Post-mortem report from the concerned Police Station.

7. Learned counsel for the petitioner submits that the allegation of assault/taking away the male and female are attributed to all the villagers including the petitioner, the others have been granted relief including Ashiq Kumar. An undertaking has been given that if granted relief, he shall be diligently appearing in trial and under no circumstance and without plausible reason shall absent to delay the trial. Failure to do so, in case, relief is granted, the State shall be free to take immediate for the cancellation of bail bonds.

8. Learned APP though opposes the prayer concedes that the others have been granted relief.

9. Taking into account the submissions aforesaid as also that the petitioner has no criminal antecedent and has remained in custody since 07.04.2024, others including Ashiq Kumar have been granted bail, in that background, this Court is inclined to extend him the privilege of bail with conditions.

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10. This Court makes it clear that the Trial Court shall see to it that the trial is taken to its logical conclusion within a period of six months and if any of the accused including the petitioner tries to delay the process, steps be taken for cancellation of bail bond.

11. The Senior Superintendent of Police, Patna should ensure that all the official witnesses are examined at an earliest so that the trial is taken to its logical conclusion.

12. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge, 1st Patna City in connection with Khusrupur P.S. Case No. 64 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall be appearing before the Police

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Station as and when required for cooperating in the investigation;

(iv) the petitioner shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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