

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62473 of 2025**

Arising Out of PS. Case No.-73 Year-2014 Thana- JAMUI District- Jamui

Dashrat Mahto S/o Sahdeo Mahto R/o vill- kakan, P.S.- Jamui, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66778 of 2025

Arising Out of PS. Case No.-73 Year-2014 Thana- JAMUI District- Jamui

1. Suresh Mahto S/o Late Sahdeo Mahto R/o Village - Kakan, P.S - Jamui, District - Jamui
2. Sunil Mahto S/o Late Bhuneshwar Mahto R/o Village - Kakan, P.S - Jamui, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62473 of 2025)

For the Petitioner/s : Mr.Pankaj Kumar Sinha

For the Opposite Party/s : Mr. J. N. Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 66778 of 2025)

For the Petitioner/s : Mr.Pankaj Kumar Sinha

For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 19-01-2026 Both these cases arise out of the same case i.e.

Jamui P.S. Case No. 73 of 2014 and accordingly, they are

being heard together and disposed of with this common

order.

2. Heard learned counsel for the petitioners and



learned APP for the State.

3. The petitioners seeks bail in a case registered for the offence punishable under Sections-302, 394, 307, 341, 323, 325, 120(B) of the Indian Penal Code and 27 of the Arms Act as well as Section 3/4 of Explosive Substances Act.

4. The prosecution case in brief is that informant Rambalak Singh has recorded his fardbayan before police at Sadar Hospital, Jamui that on dated 21.03.2024 at about 05:00 pm when he was waiting for Tempo at Mahisouri Chowk to go to his home at Kakan, meanwhile Niraj Singh who happens to be his villager was going with his motorcycle bearing Registration No. BR46B 3721, then he asked to give lift him and he seated on the bike as pillion rider. At about 06:00 pm when both of them reached near Kakan Kushwaha Vahwan Mod, accused Jodhi Mahto assaulted upon the head of Ni-raj Singh by Lathi and the same struck against Informant's hand and due to that his hand got fractured. In the meanwhile accused Kamlesh Mahto, Subhash Kumar @ Vi-rappan, Subhash Mahto @ Yuvraj Mahto hurled two bombs which hit on informant's left hand and on the head and left shoulder of Niraj Singh due to which his skull broken out and he died on the spot



and the motorcycle also got damaged. Thereafter accused persons Dashrath Mahto, Suresh Mahto, Saudagar Mahto and Sunil Mahto all armed with pistol and fired seven round upon Niraj Singh. There were 5-6 unknown persons whom he could not identify. The said accused persons also took away rupees two lakhs which was kept in Dikki of motorcycle. Thereafter, in afraid state he went to relative's of Niraj Singh and informed about the occurrence. He believes that due to previous enmity the above named accused persons with a criminal conspiracy killed Niraj Singh and injured him. On the basis of the aforesaid fact the present case has been lodged and the investigation is proceeded.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and they have falsely been implicated in this case. Altogether five injuries were found on the person of the deceased, amongst which, the injury Nos. 1, 2 & 5 were caused by explosive substances whereas the injury Nos. 3 & 4 are caused by fire-arms. Learned counsel for the petitioners has also submitted that cause of death is the explosive substances. It has further been submitted that the co-accused Saudagar Mahto has



been granted bail by a coordinate bench of this court vide order dated 09-06-2015 passed in Cr. Misc. No. 17397 of 2015.

6. Learned APP has opposed the prayer for bail.

7. The informant is an eye witness. He was accompanying the deceased. The occurrence has taken place before his eyes and these petitioners also fired upon the deceased. The case of the petitioners cannot be equated with that of co-accused Saudagar Mahto as because Saudagar Mahto was granted bail in the year, 2015 whereas the petitioners remained absconding and due to their non-appearance, the progress of the trial suffered for a considerable long duration.

8. Considering the aforesaid facts and circumstances, the petitioners does not deserve the privilege of bail and accordingly, the same is *rejected*.

(Nawneet Kumar Pandey, J)

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