

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69562 of 2024

Arising Out of PS. Case No.-535 Year-2022 Thana- GORAUL District- Vaishali

-
1. Sanjay Mahto @ Sanjay Kumar Mahto,
 2. Chhotu Mahto @ Chhotu Kumar
- Both are sons of Raj Kumar Mahto, Resident of Village-Sahpur, Khurd, P.S. Goraul, (Kathara O.P.), District- Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashi Kant, Advocate
For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 04-02-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Goraul P.S. (Kathara O.P.) P.S. Case No.535 of 2022 registered under Sections 363, 120-B read with 34 of the Indian Penal Code but, later on Sections 302 and 201 of the Indian Penal Code was added in the FIR.

3. Allegation against petitioner is to commit murder of husband of the informant after administering toddy and intoxicating materials. The allegation of brutal assault is also available. It is alleged that the occurrence took place on



24.11.2022 when the informant along with his husband visited the house of petitioners to join the marriage function, being family friend.

4. It is submitted by learned counsel appearing for petitioners that the husband of informant died due to accident as after consuming liquor, he fell down to ground and received head injury. It is submitted that being family friend, there was no occasion to assault or to commit murder of the husband of informant. It is submitted that even the dead body was recovered from an open place, which is accessible by general public and moreover except suspicion, nothing appears incriminating against petitioners, where even suspicion is appearing unfounded. The petitioners claimed clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as except suspicion nothing appears incriminating against petitioner out of FIR, where admittedly the dead body of husband of informant was recovered from an open place, accordingly, both petitioners, above-named,



are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Vaishali at Hajipur in connection with Goraul P.S. (Kathara O.P.) Case No.535 of 2022, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

