

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76023 of 2025

Arising Out of PS. Case No.-110 Year-2025 Thana- SIWAIPATTI District- Muzaffarpur

Upendra Mahto @ Opendra Mahto S/o Late Janki Mahto R/o Village-
Siwaipatti, P.S.- Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amir Alam, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-03-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Siwaipatti P.S. Case No. 110 of 2025 lodged on 24.06.2025, for the offence punishable under Sections 137(2), 140(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, pending in the Court of Sub Divisional Judicial Magistrate, East, Muzaffarpur.

3. As per the prosecution, FIR has been lodged against 9 named accused persons. It has been alleged in the FIR that the accused persons have kidnapped the informant's son and kept him in an unknown place. When the informant went to the accused persons' house to enquire about her son, then they abused her. The informant has suspicion that all the accused



persons have killed her son and disappeared his dead body.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner is not named in the FIR and his name has figured in this case only due to confessional statement of the victim. Counsel further submits that the antecedent of the petitioner is not clean, as there are 10 criminal cases pending against him and in all the cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are 10 cases pending against him and this aspect must be taken into consideration.

6. As such, in the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering that whether he is absconding or not in any of the cases pending against him, without being prejudice that the anticipatory bail of



the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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