

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77714 of 2025**

Arising Out of PS. Case No.-431 Year-2024 Thana- BATHNAHA District- Sitamarhi

Abhishek Kumar Mahto @ Abhishek Kumar Son of Baiju Mahto Village-  
Inarwa, P.S.- Parihar, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                          |
|--------------------------|---|----------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Sanjay Kumar, Advocate<br>Mr. Hitesh Suman, Advocate |
| For the Opposite Party/s | : | Mr. Pranav Kumar, Advocate<br>Mr. Raja Ram Rai, Advocate |
| For the State            | : | Mr. Bharat Lal, APP                                      |

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

4      19-03-2026                      Heard the learned counsel for the petitioner and  
  
learned APP for the State.

2. The petitioner makes a prayer for bail in connection with Bathnaha P.S. Case No. 431 of 2024, F.I.R dated 18.09.2024 registered for the offences punishable under Sections 85, 80, 118(1), 123 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant, Ganesh Mahto, alleged that his daughter Jyoti Devi, who was married to the petitioner about one and a half years ago, was subjected to cruelty over dowry demands and was expelled from her matrimonial home. On 17.09.2024, the petitioner allegedly attacked her with a knife at her parental home and forcibly administered poison. She was taken to the hospital but died on



the way, after stating that the petitioner had poisoned her.

4. Learned counsel for the petitioner submits that for an allegation of having administered poison to the deceased, the petitioner and as also the entire family have been implicated in the case and the Police, on investigation, has not found any incriminating material against the family members and accordingly, then were not sent for Trial. It is said that the investigation has been completed and charge-sheet has already been filed and trial has commenced in this case. It has next been submitted that at the time of alleged incident in question, the petitioner was in Gujarat, which fact is supported by the witnesses, who have recorded their statements with the Police. The plea of alibi which has been taken by this petitioner was not examined and the petitioner has been charge-sheeted in this case. Lastly, it has been submitted that the petitioner is in custody since 16.04.2025.

5. On the other hand, learned counsel for the informant, Sri Raja Ram Rai has appeared and has vehemently opposed the prayer of regular bail and submits that the petitioner had administered poison to the deceased and her in-laws. It has further been submitted that for obtaining the viscera report, the same has already been sent to the Laboratory but the report has still



not been received.

6. Learned Additional Public Prosecutor for the State also opposes the prayer for regular bail.

7. Be that as it may, the investigation has already been completed and the witnesses could not dispute that the petitioner was living in Gujarat for earning his livelihood and the charge-sheet has also been filed and the petitioner is in custody since 16.04.2025, the petitioner is enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Bathnaha P.S. Case No. 431 of 2024, subject to the condition that the petitioner shall co-operate in the investigation/trial and the petitioner undertakes that he would not take any un-necessary adjournment in this case and the Trial Court is directed to expedite the trial proceedings.

**(Ajit Kumar, J)**

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