

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85177 of 2025

Arising Out of PS. Case No.-46 Year-2024 Thana- Kashnagar District- Saharsa

Rudal Mahto S/O Late Kanik Mahto Resident of village - Bhasti Bind toli,
ward no.- 4, P.S- Kasnagar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 25-03-2026 Heard Ms. Rashmi Jha, learned counsel for the

petitioner and Mr. Binod Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
13.09.2024 in connection with Sessions Trial No. 139 of 2025
arising out of Kashnagar P.S. Case No. 46 of 2024, F.I.R. dated
11.09.2024 for the offences punishable under Sections 115(2),
126(2), 109, 117(2), 351(2) & (3) and 3(5) of the BNS, 2023
and Section 27 of the Arms Act.

3. Earlier the regular bail application of the petitioner
has been rejected vide order dated 15.05.2025 passed in Cr.
Misc. No. 8224 of 2025.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. She further submits that from



perusal of the FIR it appears that except suspicion no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence and due to some previous dispute between the petitioner and the deceased the present occurrence took place. The petitioner is in custody since 13.09.2024 and trial is not in progress.

5. Vide order dated 05.12.2025 a report was called for with regard to the stage of the trial. Report of the learned Trial Court dated 19.12.2025 reveals that the matter is pending for the prosecution evidence and out of 5 charge sheet witnesses, no witnesses have been examined by the prosecution.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future and the petitioner is in custody since 13.09.2024.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances, report of the learned Trial Court as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge-IV, Saharsa in connection with Sessions Trial No. 139 of 2025 arising out of Kashnagar P.S. Case No. 46 of 2024, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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