

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86635 of 2025

Arising Out of PS. Case No.-428 Year-2025 Thana- DARAUNDA District- Siwan

1. Subhash Mahto @ Subas Mahto S/O Late Chandrika Mahto R/o Vill.- Gurujwa Jalalpur, P.S.- M.H. Nagar (Hasanpura), Dist.- Siwan.
2. Pritam Kumar @ Deepak Kumar Mahto S/O Subhash Mahto @ Subas Mahto R/o Vill.- Gurujwa Jalalpur, P.S.- M.H. Nagar (Hasanpura), Dist.- Siwan.
3. Prince Kumar S/O Subhash Mahto @ Subas Mahto R/o Vill.- Gurujwa Jalalpur, P.S.- M.H. Nagar (Hasanpura), Dist.- Siwan.
4. Sonu Kumar @ Sanu Kumar @ Sonu Kumar Mahto S/O Subhash Mahto @ Subas Mahto R/o Vill.- Gurujwa Jalalpur, P.S.- M.H. Nagar (Hasanpura), Dist.- Siwan.
5. Jitendra Kumar Mahto @ Jitendra Mahto S/O Subhash Mahto @ Subas Mahto R/o Vill.- Gurujwa Jalalpur, P.S.- M.H. Nagar (Hasanpura), Dist.- Siwan.
6. Shailendr Mahto @ Satyendra Mahto @ Salendra Mahto S/O Subhash Mahto @ Subas Mahto R/o Vill.- Gurujwa Jalalpur, P.S.- M.H. Nagar (Hasanpura), Dist.- Siwan.
7. Rekha Kumar @ Rekha Devi D/O Subhash Mahto @ Subas Mahto R/o Vill.- Gurujwa Jalalpur, P.S.- M.H. Nagar (Hasanpura), Dist.- Siwan.
8. Malti Devi @ Shanti Devi W/O Subhash Mahto @ Subas Mahto R/o Vill.- Gurujwa Jalalpur, P.S.- M.H. Nagar (Hasanpura), Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Irshad Ahmad Khan, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2026 Heard Mr. Irshad Ahmad Khan, learned counsel for

the petitioners and Mr. Narsingh Tanti, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Daraunda P.S. (M.H. Nagar) Case No. 428 of



2025, F.I.R. dated 27.08.2025 for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 303(2), 352, 351(2) and 3(5) of the BNS, 2023.

3. According to prosecution case, all the accused persons entered into the house of the informant with an intention to kill her also tried to outrage her modesty.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Due to some petty dispute the present occurrence has taken place and there is case and counter case between the parties. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners and the injury inflicted upon the injured person who is informant in the present case, namely, Nibha Devi is simple in nature caused by hard and blunt substance.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is no specific



allegation of assault or overt act against these petitioners and the injury sustained by the injured person is simple in nature, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-VI, Siwan in connection with Daraunda P.S. (M.H. Nagar) Case No. 428 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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