

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89248 of 2025

Arising Out of PS. Case No.-442 Year-2024 Thana- RAXAUL District- East Champaran

Abhay Kumar, S/o Hari Mohan Mahto, Resident of Village-Senwariya, P.S.-
Raxaul, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

Mr. Sumit Kumar, Advocate

Mr. Sudhanshu Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-02-2026 Heard learned counsel appearing for the petitioner and

learned APP for the State.

2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Raxaul P.S. Case No. 442 of 2024 registered for the offences punishable under Sections 103, 238, 61(2), 126(2), 115(2), 64 read with 3(5) of the Bhartiya Nyaya Sanhita (in short ‘BNS’).

3. As per FIR, co-accused Rajpal Mahto committed rape and murder of the sister of informant while she was working in field, upon information he returned home and caught hold main co-accused Rajpal Mahto along with co-villagers, whereafter his family members and other co-villagers including petitioner arrived there



and took away the main co-accused Rajpal Mahto from their custody.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner implicated with this case being co-villager out of village politics, facing general and omnibus allegation to take away main co-accused Rajpal Mahto from the custody of the informant and others after committing present crime in question. While concluding argument, it is submitted that the petitioner is a man of clean antecedent.

5. Learned APP while opposing the prayer of bail could not disputed aforesaid factual submission.

6. In view of aforesaid factual submissions and by taking note of fact as *prima-facie* allegation against petitioner appears general and omnibus, as being co-villager petitioner helped to rescue main co-accused namely, Rajpal Mahto from the custody of informant and others who caught hold him after alleged offence, accordingly, petitioner, above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Raxaul, East Champaran, Motihari/concerned Court, where the case is pending in



connection with Raxaul P.S. Case No. 442 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

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