

IN THE COURT OF SATYA BHUSHAN ARYA, SESSIONS JUDGE, BANKA

Rishu Mahto @ Rishu Kumar Bharti & Ors. Versus State of Bihar

Anticipatory Bail Petition No. 652 of 2026

Date of filing : 12.05.2026

Date of order : 18.06.2026

In the matter of :

1. Rishu Mahto @ Rishu Kumar Bharti, age about 30 years

2. Ramswarup Mahto, age about 38 years

3. Dablu Mahto, age about 36 years

All sons of Bhado Mahto, resident of village Chutiya, p.s. & district Banka

..... Petitioners

-Versus-

State of Bihar

.....Opposite Party

Present : - Sri Umeshwar Prasad Singh, Advocate for the Petitioners

Sri Hira Lal Singh, Public Prosecutor for the State

ORDER

1. Apprehending arrest the petitioners have preferred this pre-arrest bail application who are booked in Banka Police Station Case No. 190 of 2017, corresponding to G.R. No. 819 of 2017, for the offence allegedly committed under Sections 147, 149, 337, 431, 438, 427, 307 of IPC.

2. The case of prosecution is based upon a gravamen filed by one Md. Shamshad Sah with the allegations that he is owner of ten wheeled truck bearing registration no. JH16A4334. On 03.04.2017. He along with his driver Ashok Kuswaha was going Naugachhiya from Kushinagar after loading sand on his truck from Domuhan sand ghat. At about 7-am, as he reached near Chutiya More, he saw there was traffic jam and crowd. He along with drivers of other trucks asked the reason from motorcycles driver coming from northern side, they told that a truck driver knocked down a school girl at Shanti Nagar, Jhirba public road, resulting to her death and for that accident there was crowd of about 500-700 people. Two to four of the protesters provoked others and set truck on fire. Thereafter, he along with his driver and the driver of other trucks went back with their trucks one to two kilometer. After one hour, the said unlawful assembly came there and set ablaze his truck along with other trucks

3. In oral arguments, learned counsel for the petitioners submitted that he has falsely been implicated in this case whereas he has no involvement in the crime.

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4. *In counter, learned Public Prosecutor for the State opposed the pre-arrest bail application on the ground that the case is of the year 2017 and the petitioners are playing hide and seek with the process of law. Further, vide para no. 67 of case diary, the petitioners were given notice to join the investigation but the petitioner did not join knowingly and willingly only in order to linger the trial of the case.*

5. *Heard submissions and perused the record. It is indubitable and admitted fact that few co-accused have emancipated on bail but the case of present petitioners is on different footings as this case is of the year 2017 and the present petitioners now suddenly appeared for anticipatory bail and secondly, they were given notice to join investigation, even then they have not appeared. Hence, this court infers that the petitioners are not willing to join investigation; resultantly, this pre-arrest bail application is dismissed.*

6. *File be consigned to the record room and that of trial court be sent back with a copy of this order.*

7. *Keeping in view the General Order no. 1 of 1991 (Criminal) dated 07.03.1991, the certified copy of FIR, if desired, be returned back to the petitioners on placing the xerox copy thereof on record.*

(Dictated)

(Satya Bhushan Arya)
Sessions Judge, Banka