

**A.B.A. No. - 194/2026**

**Uday Mahto @ Uday Kumar Mahto & Another ..... Petitioners  
Versus  
The State of Bihar**

**O R D E R**

**29.04.2026** This anticipatory bail application has been filed on behalf of petitioners, namely, **1. Uday Mahto @ Uday Kumar Mahto, and 2. Kantlal Mahto** apprehending their arrest in connection with Kashnagar P.S. Case No. 89/2025 for committing offence under sections- 126(2), 115(2), 74, 117(2), 303(2), 352, 351(2), 351(3), / 3(5) of Bharatiya Nyaya Sanhita, and the same is pending in the court of Ld. A.C.J.M.-I, Saharsa.

2. Heard Sri Anil Kumar Jha, Ld. defence counsel for the petitioners, and Sri Hari Shekhar Mishra, Ld. Addl. Public Prosecutor represented the State.

3. The prosecution story as based on written petition of the informant namely, **Fulo Devi**, in brief is that on 01.12.2025, around 11:30 hours when she was digging a foundation on her father-in-law's land, she was intercepted and brutally assaulted with sticks by a group of six men- Uday, Kantlal, Ajesh, Rameshwar, Tribhuvan, and Pramod Mahato, causing her to lose consciousness. During the incident, Kantlal Mahato allegedly disrobed her with criminal intent and stole ₹5,000/-, while Uday Mahato forcibly took her gold earrings. When her father-in-law, Lalit Mahato, and other female relatives intervened, they were attacked with rods and sticks by five additional accused persons including Pintu, Kavita, Manju, Ranjo, and Soni Devi, resulting in a fractured left arm for Lalit Mahato caused by Ajesh Mahato. The accused further threatened to kill the victims if a case was filed.

4. Learned counsel for the petitioners submitted that the petitioners are quite innocent and have committed no offence at all rather have falsely been implicated into this case. No any bail petition of the

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accused petitioner has been filed either before this learned court or the Hon'ble Court prior to it. He further stated that, the alleged sections are bailable except sections 74 and 303(2) of BNS which are non-bailable and also not applicable against the petitioners. There is no criminal antecedent behind the backs of the petitioners. Petitioners are men of means and there is no chance of their absconding or tampering with the evidence in this case. They are ready to abide by the conditions which may be imposed by this court. Thus, Ld counsel prayed that the petitioners may be enlarged on anticipatory bail.

5. Ld. A.P.P. vehemently opposed the prayer for pre-arrest bail on the ground that the allegation levelled against the petitioner is serious in nature as the petitioner along with other co-accused persons are alleged to have assaulted the informant side mercilessly due to which injured sustained serious injuries, and one of the injured died. Therefore, petitioners do not entitled to get the benefit of anticipatory bail.

6. Heard both sides and perused the materials available on record. On perusal of materials available on record, it appears that this case has been registered for the offences punishable under sections 126(2), 115(2), 74, 117(2), 303(2), 352, 351(2), 351(3), / 3(5) of Bharatiya Nyaya Sanhita and the petitioners are named in the FIR who along with other co-accused persons are alleged to have assaulted the informant side and looted Rs. 5000/- cash and snatched a gold earrings. The post-mortem report of deceased is available in paragraph no. 38 of the case diary in which cause of death cannot be ascertained at present, and the same can be ascertained when the viscera report is made available from the forensic laboratory and injury reports of all the injured are available in case diary which shows that injuries denoted by the doctor of informant/injured Fulo Devi as: **1. Diffuse Swelling over both hand** **2. Diffuse multiple abrasions over body caused by hard and**

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blunt object and nature of injury is simple. Injury report of injured Pinki Devi shows: 1. Multiple diffuse swelling over body, injury is simple in nature caused by hard and blunt object. The injury of injured Ranju Devi, shows: 1. Lacerated wound near left ear, size about 0.5cm x 0.5cm x 0.5cm this injury also found simple in nature but on the vital part of the body. The injury of deceased injured Lalit Mahto shows: 1. Diffuse Swelling over left elbow, caused by hard and blunt object and nature of injury is simple, after eleven days of the incident the deceased ultimately died. Further, there are ample materials against the petitioners in the case diary, the informant, injured and witnesses have supported the case of prosecution in paragraph nos. 03, 11, 12, 13, 14, 32 of the case diary. As per paragraph no. 67 in the supervision report, prima facie section 105 is made out against the accused persons, which is culpable homicide not amounting to murder. The allegations levelled against the petitioner are obnoxious in nature. The investigation is still in process and final outcome is yet to come in this case.

7. Having gone through the above discussions and materials available on record and considering the facts and circumstances of the case as well as gravity of serious accusation, it is not justiciable to enlarge the accused persons on pre-arrest bail. Hence, the prayer for anticipatory bail of **accused petitioners namely, 1. Uday Mahto @ Uday Kumar Mahto, and 2. Kantlal Mahto** is hereby **rejected**.

**Dictated & corrected by me**

**Sd/-**

Distt. & Addl. Sessions Judge-II,  
Saharsa. 29.04.2026