

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE - IV
DISTRICT – SHEOHAR**

Present – Aditya Pandey, District & Additional Sessions Judge

Regular Bail Petition (B.P.) No. 86 / 2026

(Arising from Piprahi P.S. Case No. 282/2026 U/s. 334(1), 303(2) B.N.S.)

Rakesh Mahto, aged about 46 yrs

.....Petitioner

Versus

State of Bihar

.....Opposite Party

Appearance -

For the Petitioners : Sri Amlesh Kumar, Advocate

For the State : Sri Arshad Siddiqui, Addl. Public Prosecutor, Sheohar.

ORDER

10.06.2026

Heard the learned advocate for the petitioner and the learned Additional Public Prosecutor at length. Perused the L.C.R.

This petition for grant of regular bail was filed on behalf of Rakesh Mahto who is in judicial custody in this case since 16.03.2026 in connection with Piprahi P.S. Case No. 282/2026 registered on 29.12.2025 under sections 303(2), 334(1) of the B.N.S.

The prosecution's case in brief is that at 1 AM on the intervening night of 28.12.2025 and 29.12.2025 the informant's shop at Meenapur Balaha Bazar was broken into by unknown persons and one laptop, ₹30,000 in cash, three ATM cards, one battery 250 mAH, one inverter and one gas cylinder and two oil gallons were stolen.

It has been averred at the outset in para 2 of the petition that the petitioner has not moved any bail petition either before this Court or Hon'ble High Court, Patna earlier in this case and in para 3 that the petitioner has two criminal cases, viz. 1) Dumra P.S. Case No. 312/24, U/s.64(1) B.N.S. and 2) Fatehpur P.S. Case No. 21/26 U/s. 303(2), 334(1) B.N.S. pending against him.

The learned advocate for the petitioner has argued and submitted that the petitioner is innocent and falsely implicated in this case on the basis of his confessional statement said to be made in a different case. As a matter of fact, no incriminating articles were recovered from the possession of the petitioner and investigation was already concluded in this case. It is thus prayed that the petitioner may be released on bail.

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ORDER

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The learned Additional Public Prosecutor has opposed the bail petition mainly on the ground that charge-sheet was filed against the petitioner and another in this case under section 334(1), 303(2) I.P.C. which are serious and non-bailable offences.

Now it transpires from perusal of record that the allegations have been supported by the informant and two other witnesses in their statements recorded during the investigation. It is notable that the petitioner was not originally named as accused in the F.I.R., but later implicated after he was arrested in Fatehpur P.S. Case No. 21/26 dated - 27.01.26 and in which he made a confessional statement regarding his involvement in commission of theft in this case. It has been pointed out that the stolen articles have not been recovered at all, much less from the possession of the petitioner, and charge-sheet has been filed against him and another in this case under section 334(1) and 303(2) I.P.C. which is non-bailable offence punishable with imprisonment for a term which may extend to five years, and triable by any Magistrate. The petitioner notably has two criminal antecedents, one of which pertain to similar offence viz. Fatehpur P.S. Case No. 21/26 dated - 27.01.26 from which he was remanded to the present case, and remains in custody in this case for nearly three months now.

In view of the above facts and circumstances, and also considering that the investigation has concluded, I am inclined to allow the prayer. Accordingly, the petitioner is directed to be enlarged on bail upon furnishing bail bonds of **Rs.10,000** with **two sureties** of like amount each **after framing of charge** to the satisfaction of the learned trial Court, subject to **filing of undertaking in terms of section 480 (3) B.N.S.S.**

(Dictated & Corrected)

Sd/-

**Addl. Sessions Judge, IV
Sheohar**