

In the Court of the District & Addl. Sessions Judge I, Sitamarhi.
Bail Petition No. 161/2026

Fekan Mahto..... Petitioner.

Versus

State of Bihar O.P.

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ORDER

28.03.2026

1 Heard the learned counsel, for the petitioner, **Fekan Mahto**, who is in custody since, 21.01.2026, in connection with Dumra P.S. Case No. 312/2025, registered u/s. 303(1), 3(5) of the BNS. Also heard the learned Addl. P.P. for the State and perused the record and the case-diary.

2. The instant case has been registered on the basis of fardbeyan of the informant Sakshi Devi against the petitioners and two other unknown. There is allegation in the F.I.R. that on 27.06.2025 at about 12.30 P.M., her father-in-law Baidyanath Mahto, who worked as Munshi in Dumra Court, was returning home and reached near a bridge east to Dharpur Sanskrit Vidyalay, both the petitioners alongwith unknown persons surrounded him and began assaulting him. They came there on motorcycles. They began assaulting her father-in-law wrecklessly as a result of which, he sustained injuries on his whole body, chest and both the hands. On his larm, villagers of nearby village came and the accused persons fled away threatening him with dire-consequences, if he will not transfer all his lands in their names. The villagers informed 112 police and the informant. Thereafter, police arrived there and the informant also arrived there and brought her father-in-law to Sadar Hospital, Sitamarhi from where he was referred to S.K.M.C.H., Muzaffarpur seeing his critical condition where the doctor declared him dead.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated due to family dispute. It is submitted that the record that earlier the petitioner had filed Anticipatory Bail Petition No. 1139/2025 before the learned Sessions Judge, Sitamarhi, which was heard by the learned 1st Additional Sessions Judge, Sitamarhi and the same was rejected on 03.09.2025. Thereafter, the petitioner has surrendered before this Court and is in judicial custody. It is further submitted that the petitioner has only one criminal history which is land dispute. It is also submitted that the applicants undertake to cooperate in investigation and will not misuse the privilege of bail. It appears from the record that earlier the petitioner had filed Anticipatory Bail Petition No. 1139/2025 before the learned Sessions Judge, Sitamarhi, which was heard by the learned 1st Additional Sessions Judge, Sitamarhi and the same was rejected on 03.09.2025. Thereafter, the petitioner has surrendered before this Court and is in judicial custody.

4. On the other hand, learned A.P.P. for the State opposed the prayer for anticipatory bail considering the nature of allegation.

5. On perusal of the case diary, particularly Para-13 of the case diary, it appears that the deceased was an aged person and was suffering from several ailments and was under treatment prior to the alleged occurrence. Further, from Para-122 of the

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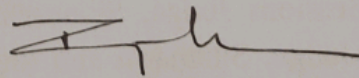
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supervision note of the S.D.P.O., it appears that certain supervisory observations have been made with regard to the nature of injuries and circumstances surrounding the death of the deceased, which require appreciation during the course of trial. Moreover, from Para-5 and Para-6 of the case diary, containing the statement of witness Ganesh Sahu, it transpires that the said witness has not fully supported the manner of occurrence as alleged in the F.I.R., and his statement creates doubt regarding the exact role of the petitioner at this stage. It further appears from the materials available on record that there exists land dispute between the parties, and the informant and petitioner belong to the same family, which also requires consideration at the time of trial. The F.I.R. was lodged after some delay and the informant is not stated to be an eye-witness to the occurrence.

6. Considering the entire facts and circumstances of the case, it seems that this is not exactly the case of murder, victim died two days thereafter, injuries are also not grave enough to cause victim death. There is also verbal statement about dying declaration but this submission is not corroborated. Considering the nature of allegations, materials available in the case diary, particularly the discussions made in Para-13 of the C.D., Para-122 of the supervision note of S. D.P.O., and Para-5 & Para-6 of the C.D. containing statement of Ganesh Sahu, though chargesheet has been submitted, this Court is not inclined to allow the prayer for bail of the petitioner **Fekan Mahto**, in connection with Dumra P.S. Case No 312/2025, as of now. However, he is given liberty to renew his prayer of bail two months after framing of charge.

(Dictated & corrected)



(Rajiv Kumar),

District & Addl. Sessions Judge 1,
Sitamarhi.

Dated:-28.03.2026