

In the Court of Sessions Judge, Vaishali

B.P. No. 298/2026

1. Saroj Kumar @ Saroj Kumar Mahto, aged about 26 years, S/o Dukhan Mahto,

Resident of village –Phulad, P.S. -Vaishali, District – Vaishali

: -

Petitioner

Versus

State of Bihar

: -

O.P.

Appearance : -

Learned counsel for the petitioner : - Sri Rahul Kumar, Advocate

Learned P.P. for the State : Sri Shyam Babu Rai, P.P.

Present :

Harshit Singh,
Sessions Judge, Vaishali.

Date of order : 19th. March 2026

The regular bail petition of the above named accused petitioner has been filed u/s 329(3), 329(4), 126(2), 115(2), 109(1), 303(2), 74, 352, 351(2) and 3(5) of B.N.S. The petitioner is in judicial custody since 02.02.2026 in connection with Vaishali P.S. Case No. 12/2026.

Heard the learned counsel for the accused petitioner and learned Public Prosecutor for the State and perused the record.

It is stated in Para 2 of the bail petition that no petition for bail either regular or anticipatory has been moved on behalf of the petitioner before this court or before the Hon'ble High Court, Patna.

The case of the prosecution in brief, as per written application of the informant is that on 30.12.2025 at about 2:00 P.M., while the informant was at his house, the accused persons, namely Shravan Kumar and the present petitioner Saroj Kumar @ Saroj Kumar Mahto, reached there armed with iron rods and started abusing him. The accused Shravan Kumar assaulted the informant on his head by iron rod causing injury and thereafter the present petitioner namely Saroj Kumar Saroj Kumar Mahto also assaulted the informant by iron rod. When the wife of the informant came to rescue, she was also misbehaved by the accused persons and her chain was allegedly snatched. The accused persons also extended threat of dire consequences.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted by the Ld. Counsel on behalf of the petitioner that the allegations U/S 329(3), 329(4), 126(2), 115(2), 352, 351(2) are bailable in nature and Section 74, 109(1), 303(2) have been intentionally deliberately

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Contd.
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added to make the offence non bailable. So far as the Section 109 is concerned, it is not applicable and allegation of Section 74, 303(2) are super addition. In the present case, date of occurrence is 30.12.2025, whereas F.I.R. lodged on 04.01.2026 and there is no explanation of delay of 06 days in lodging of F.I.R. Besides this, petitioner has not any criminal antecedents and he is in custody since 02.02.2026. Hence, prayer has been made to release the petitioner on regular bail.

Learned Public Prosecutor opposed the prayer for bail.

Heard the parties and also perused the case record and the case diary. From perusal of the same, it appears that there is allegation against the petitioner is of assaulting and abusing to the informant and his wife. However, it transpires from para no. 35 of case diary, it transpires that the injured person namely Dharmendra Mahto sustained following injuries which are 1. A case of assault, 2. Head Injury with mild bleeding. The injury sustained by the injured is simple in nature caused by hard and blunt object. Besides this, the petitioner has no criminal antecedent prior to this case and he is in judicial custody in this case since 02.02.2026.

Considering the aforesaid facts and circumstances of the case as well as nature of allegations and the custody of petitioner in this case, the regular bail petition of the petitioner is allowed. Accordingly, the above named accused petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned trial court.

(Dictated)

(Harshit Singh)
Sessions Judge, Vaishali