

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50063 of 2016

Arising Out of PS.Case No. -78 Year- 2013 Thana -PARAIYA District- GAYA

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Ajay Mahaton, son of Sitaram Mahaton, all resident of village-Maranpur,
P.S. Paraiya, District-Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party : Mr. Sri Asharaf Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-11-2016

Heard the learned counsel for the petitioner and the
learned APP for the State.

Petitioner is languishing in custody since 02.10.2016
in connection with Paraiya P.S.Case No.78 of 2013 registered for
offences punishable under Sections 323, 341 and 504/34 of the
Indian Penal Code later on after completion of the investigation
chargesheet has been submitted under Sections 341, 323, 307, 337
and 504/34 of the IPC against the petitioner.

The prosecution case is that on 01.08.2013 at about 6
A.M. morning, when the informant was going for natural call in
the western side of the village, in the meantime, he saw that Jatan
Prajapat, son of Anchhu Prajapat was cutting the field of the
informant and making Pusta wall. When the informant forbade
him to do so, then Jatan Prajapat stopped cutting the field. All the



accused including this petitioner having *lathi* and bricks in their hands, came there and started to abuse. When the informant protested, accused Shivan Mahaton assaulted the informant's son on head by way of lathi. Petitioner also threw piece of bricks over the informant for which he sustained few sort of injury on the left leg.

It has been submitted by learned counsel for the petitioner that both the parties are co-villager and there was a dispute between both the parties for which the petitioner's side has also lodged Paraiya P.S.Case No.79 of 2013 against the informant's side for the same occurrence on the same day. Both the parties received injuries. He further submits that all the injuries have been found to be simple in nature. He further submits that the petitioner has no past criminal history.

However, learned APP for the State submits that the petitioner is named in the FIR, hence opposes the prayer for bail.

Be that as it may, since there is a case and counter case and the injury has been found to be simple in nature, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Deepanshu Srivastava, Judicial Magistrate, Ist Class, Gaya in connection with Paraiya P.S.Case

No.78 of 2013.

(Nilu Agrawal, J)

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