

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13672 of 2017

Arising Out of PS.Case No. -83 Year- 2016 Thana -MUSHARIGHARARI District- SAMASTIPUR
=====

1. Kailash Kumar Mahto Son of Raj Kumar Mahto, Resident of Village-
Barabatta, P.S.- Musharigharai, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy

For the State : Mr. Md. Anzarul Haque Sahara

For the informant : Mr. Rajeev Ranjan, Advocate
=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 17-05-2017 Heard the learned counsel for the petitioner, the

learned counsel for the informant and the learned Additional

Public Prosecutor.

The petitioner seeks bail in Musharigharari P.S. case

No. 83 of 2016 under Section 307 and other Sections of the Indian

Penal Code. Later on Section 302 of the IPC was added.

Indu Devi named the petitioner along with other

accused persons and alleged that they all, having armed with

different weapons came. Kailash Kumar Mahto, the petitioner,

asked the informant that her nephew committed theft of his

mobile. The informant retorted that her nephew did not steal the

mobile and asked the accused persons to search her house. The



accused persons begun to abuse. The petitioner assaulted the husband of informant, Rajendra Mahto, repeatedly with Lathi. It is further alleged that Sanjay Kumar Mahto assaulted Vijay Kumar Biswas, the nephew of the informant, and Vijay Kumar Biswas died during the course of treatment.

The learned counsel for the petitioner submits that there is counter version being Musharigharari P.S. case No. 86 of 2016. The petitioner is not the assailant of the deceased. The petitioner is said to have assaulted Rajendra Mahto, who got simple injuries, as stated in paragraph 49 of the case diary.

Considering the facts that petitioner is not the assailant of Bijay Kumar Biswas, the deceased, the petitioner assaulted Rajendra Mahto, who got simple injuries, and for that the petitioner is in jail since 05.12.2016, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Judicial Magistrate-IV, Samastipur in Musharigharari P.S. Case No. 83 of 2016.

(Prabhat Kumar Jha, J)

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