

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21336 of 2017

Arising Out of PS.Case No. -576 Year- 2016 Thana -LAHERIASARAI District- DARBHANGA

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Kanhai Mahto @ Kanhaiya Mahto, Son of Fakira Mahto Resident of
Mohalla - Bakarganj, P.S. - Laheriasarai, District - Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ajit Kumar, Advocate.

For the Opposite Party/s : Smt. Pushpa Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 16-05-2017 Heard both sides.

The petitioner seeks bail in Laheriasarai P.S. Case
No. 576 of 2016 registered under Section 307 and other sections
of the Indian Penal Code.

The informant alleged that Kanhai Mahto
(petitioner), Mohan Mahto, Fakira Mahto and Gopal Mahto started
demolishing his boundary wall. On protest, Gopal Mahto assaulted
his uncle Ram Naresh Mahto. When the informant tried to save his
uncle, Kanhai Mahto (petitioner) and Gopal Mahto stabbed the
informant in his abdomen and thigh. The injury found in the
abdomen is grievous in nature.

Learned counsel for the petitioner submits that on
account of land dispute, there is a case and counter case. The



Court of D.C.L.R. gave judgment in favour of the petitioner. The petitioner is suffering from mental and physiological disease and he is under treatment of Dr. K. K. Sinha at Ranchi since 2008.

But from perusal of the records, it appears that earlier the petitioner is said to have assaulted with *farsa* for which Laheriasarai P.S. Case No. 49 of 2010 was registered. The petitioner has also got criminal antecedent and he is alleged to have stabbed the informant in his abdomen causing grievous injury.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the same is rejected. The petitioner may renew his prayer for bail after remaining six months in custody.

(Prabhat Kumar Jha, J)

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