

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29725 of 2017

Arising Out of PS.Case No. -345 Year- 2016 Thana -KRITYANAND NAGAR District- PURNIA

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Hatta Mehta, son of Shukal Mehta, Resident of Village and P.O. Goasi, P.S.
K Nagar (Maranga), District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amardeep, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 08-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
04.03.2017 in connection with K. Nagar (Maranga) P.S. Case No.
345 of 2016, G.R. No. 3210 of 2016 registered for the offence
punishable under Section 307 and other allied sections of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that on 28.09.2016 at about 5:00 A.M., while the husband of the
informant had gone to see his paddy field, he saw that the
petitioner's animals were grazing his paddy crop. When objection
was made by the husband of the informant, petitioner started
abusing him and he was driven away. on 01.10.2016 at about 4:30



hours when husband of the informant was going to see his paddy crop then all the accused persons including 4-5 unknown persons armed with weapons prevented him and Chulho Paswan pressed the throat with Gamchha and all the accused persons assaulted him with Lat-Mukka and petitioner with intention to kill the husband of the informant assaulted him with iron rod due to which his arms and legs were fractured. The accused persons due to land dispute always used to threaten him.

It has been submitted by the learned counsel for the petitioner that he is innocent. In fact, there was a dispute regarding land where vegetables were grown. Petitioner claimed that the land where vegetables were grown belongs to him, on the other hand, informant also claimed the same to be his land and a counter case was lodged on the same day, bearing K. Nagar (Maranga) P.S. Case No. 344 of 2016 for the same occurrence in which both sides received injuries. It has further been submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. Injury report suggests fracture of the arms and legs and the injuries have been found to be grievous, but are not on the vital part of the body.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that



petitioner has assaulted the informant's husband, Sikandar Mehta by means of rod, which resulted in fracture of both the arms and legs and the injuries are of serious nature. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Purnea in connection with K. Nagar (Maranga) P.S. Case No. 345 of 2016, G.R. No. 3210 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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