

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55328 of 2017

Arising Out of PS. Case No.-9 Year-2017 Thana- VIDYAPATINAGAR District- Samastipur

Tuntun Mahto, son of Late Lachhman Mahto, resident of village- Maw
Dhaneshpur (South), P.S. Vidyapati Nagar, District-Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Adv.

For the Opposite Party/s : Mr. Abhay Kumar – 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 16-11-2017 Heard Sri Deepak Kumar Singh, learned counsel for the
petitioner and Sri Abhay Kumar, learned Addl. Public
Prosecutor.

The sole petitioner, who is in custody since 11.08.2017 in
Vidyapatinar P.S. Case No.09 of 2017 registered for the
offence under Sections 341, 323, 324, 307, 379, 506/34 of the
Indian Penal Code, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner that
there was case and counter case in between the parties. From the
petitioner's side, an F.I.R. vide Vidyapatinar P.S. Case
No.10/2017 was registered for the offence under Sections
341,323, 379,504/34 of the Indian Penal Code. By way of
referring to the F.I.R., learned counsel for the petitioner submits
that though in the F.I.R, it has been alleged that the petitioner



has given Garasa blow on the occipital region of one Pankaj Kumar, however the injury report, copy of the same has been brought on record as Annexure-4 to the petition, does not support the prosecution allegation. He submits that the injury report suggests that the injury caused on the person of Pankaj Kumar was given by hard and blunt substance. Accordingly, he submits that those materials are required to be considered at least for the purpose of grant of bail.

It is not in dispute that there was case and counter case in between the parties. Considering the nature of accusation and the fact that the petitioner is in custody since 11.08.2017, let the petitioner, namely, Tuntun Mahto 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 learned Addl. Chief Judicial Magistrate-III, Dalsingsarai , Samastipur in connection with Vidyapatnagar P.S. Case No.09/2017.

(Rakesh Kumar, J)

nawalkrs/-

U		T	
---	--	---	--

