

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48224 of 2016**

Arising Out of PS.Case No. -96 Year- 2015 Thana -LAURIYA District-  
WESTCHAMPARAN(BETTIAH)

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Dinesh Mahto Son of Ramnath Mahto Resident of village - Jawahirpur,  
Police Station Lauriya, District - West Champaran

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. C. Jawahar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      15-02-2017                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner seeks bail in a case instituted under  
Sections 147, 148, 149, 341, 342, 323, 324, 307 and 302 of the  
Indian Penal Code.

The prosecution case, in brief, is that the petitioner  
along with other accused persons assaulted the brother of the  
informant and thereafter his brother died.

Earlier the bail application of the petitioner was  
rejected vide Annexure-1 to the present application with liberty to  
renew his prayer for bail after completion of one year in custody  
from the date of custody i.e. 05.06.2015. In pursuance of the said



observation, the present application has been preferred by the petitioner.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and he is in custody since 05.06.2015 i.e. for approximately 20 months. Charge has already been framed in the case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no eyewitness to the alleged occurrence. No specific overt act or injury has been attributed against the petitioner. There is admitted land dispute between the parties.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R and the alleged occurrence is said to have taken place in the house of the petitioner.

Considering the aforesaid facts and circumstances and the period undergone in custody, let the petitioner above named, 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 the learned 3<sup>rd</sup> Additional Sessions Judge, Bettiah, West Champaran, in connection with Session Trial No. 426 of 2015.

The petitioner is directed to co-operate during the trial.



If the trial court feels that the petitioner is not co-operating during trial, the trial court will be at liberty to cancel the bail of the petitioner.

**(Sudhir Singh, J)**

Amit/-

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