

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26075 of 2018

Arising Out of PS.Case No. -2 Year- 2018 Thana -BHAGWANPUR District- BEGUSARAI

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1. Shashi Bhusan Mahto Son of Late Ram Pavitra Mahto Resident of
Village - Bashi, P.S. - Bhagwanpur (Teyai O.P.), District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansu, advocate

For the Opposite Party/s : Mrs. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 08-05-2018

Heard both sides.

The petitioner apprehends his arrest in Bhagwanpur (Teyai O.P.) P.S. case No. 02 of 2018 for the offences punishable under Section 307 and some other minor Sections of the Indian Penal Code.

The informant, Vikash Kumar, alleged that the petitioner along with others were demolishing the boundary wall constructed to all around his purchased land and when the informant objected the petitioner and others said that why boundary wall was constructed without paying extortion. It is alleged that Sanjeev Kumar @ Tinku assaulted Lakshman Mahto, uncle of the informant. Petitioner is said to have assaulted Lochan Mahto with iron rod on his head.

The learned counsel for the petitioner submits that there is counter version being Bhagwanpur P.S. case No. 1 of 2018. The land of the petitioner is situated by the side of land of informant of the present case. Measurement was done but the



informant and others have encroached upon the land of petitioner. It is further submitted that petitioner was assaulted with Khanti by Lakshman Mahto and petitioner got fracture injury on his head. The injury report is Annexure-4 series of supplementary affidavit. It is further submitted that petitioner is alleged to have assaulted Lochan Mahto but Lochan Mahto got lacerated wound on his head and the injury is opined to be simple in nature.

Having considered the facts that there appears to be case and counter case on account of land dispute and both sides entered into mutual assault in which the petitioner also sustained grievous injuries on account of assault made on his head but the petitioner is said to have assaulted Lochan Mahto, who got simple injuries, the petitioner above named in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order 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 learned Chief Judicial Magistrate, Begusarai in connection with Bhagwanpur (Teyai O.P.) P.S. case No. 02 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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