

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14321 of 2019

Arising Out of PS. Case No.-78 Year-2018 Thana- MUFFASIL District- West Champaran

Dinesh Mahto, Son of Sri Paltan Mahto, R/o village- Purbi Kargahiya, Tola-
Lalunagar, P.S.- Bettiah Muffasil, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 18.07.2018 in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 380, 427, 448 and 506 of the IPC.

The prosecution case, as per the fardbeyan of Raunak recorded by S.I., Jitendra Kumar Singh, Bettiah Town Police Station dated 26.02.2018 at 7.30 P.M., at MJK, Hospital, Bettiah is to the effect that on the same day at about 10.00 A.M., the informant was going home to take money since her daughter was admitted in the hospital. In the meantime, co-accused Kusum Devi came and conveyed the informant to vacate the house. Thereafter, all the FIR named accused persons came variously armed and co-accused Kunti Devi assaulted with sickle on the neck of the informant. When one Hasbun Nesha



came to rescue, co-accused Raghunath Shah assaulted with Farsa on her head causing bleeding injury. It is further alleged that when one Safi Alam came to rescue, then the petitioner and co-accused Ramayan Mahto caught hold of Safi Alam and co-accused Raghunath Mahto caused him burn injury after sprinkling kerosene oil on him. It is also alleged that all the accused persons robbed cash amount of Rs.5,00,000/-, jewellery worth of Rs.1,50,000/- and also damaged the motorcycle parked in front of door of the informant.

It is submitted by learned counsel for the petitioner that the accusation has been levelled on the background of land dispute and tenancy dispute and there is counter version of the occurrence being Bettiah Muffasil P.S. Case No 79 of 2018. It is further submitted that there is no injury report brought on record with regard to the persons, who have been alleged to have received injuries. It is also submitted that similarly situated co-accused persons, namely, Rameshwar Sah and Suman Devi have been granted regular bail by different Co-ordinate Benches of this Court vide orders dated 09.08.2018 and 10.12.2018 passed in Cr. Misc Nos.48946 and 55941 of 2018 respectively and co-accused Lalbabu Mahto has been granted anticipatory bail by a Co-ordinate Bench of this Court



vide order dated 23.08.20108 passed in Cr. Misc. No.47299 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that petitioner is named in the FIR and there is specific accusation of assault against the petitioner.

Considering the fact that specific accusation of assault is against co-accused Kunti Devi and Raghunath Sah and similarly situated co-accused persons have been granted regular and anticipatory bail by different Co-ordinate Benches of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **CJM, West Champaran at Bettiah** in connection with **Bettiah Muffasil P.S. Case No.78 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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