

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21640 of 2019

Arising Out of PS. Case No.-83 Year-2018 Thana- KANGLI District- West Champaran

JAWAHAR MAHTO Son of Late Raghuvir Mahto, Resident of Village-
Bheriharwa,P.S.-Kangali, 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.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 04-07-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **Kangli P.S. Case No. 83 of 2018**, instituted for the offence under Section(s) 341, 323, 324, 307, 504/34 of Indian Penal Code. Subsequently, Section 302 of the Indian Penal Code was added.

It is alleged in the written report that on the date of occurrence on account of land dispute, some altercation had taken place between informant and accused persons as named in the written report. Petitioner and informant are *Pattidar*. It is further alleged that accused persons started assaulting the informant with lathi, danda etc. but any how he could save himself and managed to run away. In the meantime, when father of the informant came to save the informant, the petitioner



assaulted him with spade on his neck, but he leaned to save himself then it hit on his head causing injury to him and he fell down on the ground and became unconscious. Later on he died. It is further alleged that when cousin sister of the informant namely, Bhawani Devi came to rescue her father, she was assaulted by Motilal Mahto by means of rod causing fracture injury in her hand. The another cousin sister and her husband were also assaulted by means of lathi. The informant was also assaulted by all the accused persons.

Case diary has been received.

The further statement of the informant is available in paragraph-53 of the case diary wherein he has stated that all the accused persons have assaulted his father. He has not levelled any specific allegation of overt act against the petitioner. The statements of other injured have been recorded in paragraphs-54 and 55 of the case diary wherein they have stated that accused persons assaulted the deceased. They have not levelled any specific allegation against the petitioner. The witnesses in paragraphs-82 and 83 of the case diary have levelled general and omnibus allegation against the petitioner of assaulting father of the informant.

Learned A.P.P. has submitted that in the Post



mortem report the Doctor has found only one injury on the head of father of the informant caused by hard and Blunt substance. He submits that informant and all the witnesses have levelled general and omnibus allegation against all the accused persons of assaulting father of the informant.

Petitioner is in custody since 16.1.2019 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. 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 **Shri Abhishek Kumar, learned Judicial Magistrate, 1st Class, Bettiah, West Champaran**, in connection with **Kangli P.S. Case No. 83 of 2018**, subject to the condition that both the bailors will be close relatives of the petitioner.

(Sanjay Priya, J)

S.Ali/-

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

