

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19562 of 2019

Arising Out of PS. Case No.-289 Year-2018 Thana- KASBA District- Purnia

DEVENDRA MAHTO Son of Late Dasrath Mahto R/o Village Southa, P.S.-
Kasba, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-04-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is languishing in custody since 13.02.2019 in a case registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

The prosecution case, as per the written report of Kamala Nandan Singh dated 28.10.2018 submitted to the Station House Officer, Kasba Police Station, is to the effect that on 28.10.2018 at about 9.00 A.M., the informant was going to inspect the work in Aaganbadi, in the meantime, he saw that petitioner along with co-accused Devendra Mahto were filling soil in the informant's land. On protest being made by the informant, co-accused Birendra Mahto assaulted the informant



with a spade and when the informant's driver, namely, Kalia Kmati came to rescue him, he was also assaulted by all the accused persons including the petitioner.

It is submitted by the learned counsel for the petitioner that no specific accusation of assault has been levelled against the petitioner. The accusation has been levelled against the petitioner in the background of a land dispute and there is a counter case also being filed by the petitioner's side. It is further submitted that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner assaulted on the vital body part of the informant and he is named in the FIR.

Considering the accusation being levelled in the background of land dispute, coupled with the fact the the petitioner is not having any criminal antecedent, let the above named petitioner, 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 Chief Judicial Magistrate, Purnea in connection with Kasba P.S. Case No. 289 of 2018.

(Dinesh Kumar Singh, J)

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