

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1831 of 2019

Arising Out of PS. Case No.-270 Year-2017 Thana- DHAMDAHA District- Purnia

Nirbhay Kumar Mahto, son of Late Ram Saran Mahto, R/o vill-Dhamdaha –
Uttar, P.S. Dhamdaha, District- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate
For the Respondent/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-01-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
27.06.2018 in connection with Dhamdaha P.S.Case No.270 of
2017 for the offence alleged under Sections 420, 467, 468 and
471, 506/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that a piece and parcel of land was in her favour and the
petitioner along with three others are creating hindrance in
mutation in the name of the informant and always threatened the
informant and family members with dire consequences.

It has been submitted by the learned counsel for the
petitioner that he is innocent and being the husband of Asha
Devi, he has been made accused in the aforesaid case. He



submits that no overt-act has been alleged and a civil case is pending between the parties regarding right and title of the disputed property. He further submits that the matter is of civil nature and the petitioner is languishing in judicial custody since more than six months and chargesheet has already been submitted.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Dhamdaha P.S.Case No.270 of 2017 to the satisfaction of CJM, Purnea subject to the following conditions:-

(i) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

B.Kr./-

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(Nilu Agrawal, J)

