

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47305 of 2019

Arising Out of PS. Case No.-456 Year-2018 Thana- BAIRIYA District- West Champaran

Harendra Mahto @ Harendra Prasad Son of Ghughali Mahto Resident of
Village - Tathawa Nand Pur, P.S.- Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 05-08-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Bairiya P.S. Case NO.
456/2018, instituted for offence under Section(s) 436/34 of the
Indian Penal Code.

Learned counsel for the petitioner has submitted that
there is land dispute between the parties. Petitioner had filed
Case No. 19/18-19 under the Bihar Land Dispute Grievances
and Redressal Act before the DCLR, Bettiah Sadar, West
Champaran. The DCLR after hearing the parties came to the
conclusion that informant being encroacher of the land of
petitioner which was settled in favour of petitioner vide order
dated 18.01.2019 passed in Settlement Case No. 21/2000-01 and
directed the informant to remove the encroachment from the



land of petitioner. Photo copy of aforesaid order is annexed as Annexure-2. The instant case has been filed by the informant only to harass the petitioner.

It is alleged in the written report that on the date of occurrence petitioner along with other accused persons put the hut of informant on fire due to which five bags wheat, 12 bags paddy and other articles were burnt. It is alleged that a she goat was also burnt in fire.

In this manner, there is general and omnibus allegation against this petitioner.

Petitioner is in custody since 01.03.2019.

Considering the aforesaid facts and circumstances, 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 the learned **Additional Chief Judicial Magistrate 1st, West Champaran, Bettiah**, in connection with **Bairiya P.S. Case NO. 456/2018**, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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