

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34262 of 2020

Arising Out of PS. Case No.-77 Year-2020 Thana- DEEPNAGAR District- Nalanda

1. Dinesh Prasad Son of Late Mangar Mahto Resident of Village - Biyawani, P.S.- Deepnagar, District - Nalanda
2. Nitish Kumar @ Nimiya S/o. Dinesh Prasad Resident of Village - Biyawani, P.S.- Deepnagar, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Udbhav
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, APP
For the Informant	:	Mr. S. R. Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 02-03-2021 Perused the explanation of the Court-below.

The court concerned is directed to be careful in future, while sending any required document to this Court after thorough verification of the same. Work load cannot be an excuse for any negligence.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are languishing in custody for the offences punishable under Sections 302/448/504/506/34 of the Indian Penal Code and Section 27 of the Arms Act.

There is land dispute between the parties and in



paragraph-11 of the bail petition the petitioner has stated that there is a piece of Gharari land which is tax free and petitioner Dinesh Prasad and one Lal Kishore purchased half of that land from the registered owner and the said Lal Kishore subsequently sold some portion of his purchased land to Mathur Mistry, the informant. Mathur Mistry started claiming major portion of land which belongs to the family of Dinesh Prasad and for that reason false implication is there.

According to FIR, three persons, who are father and sons, entered into the house of the informant variously armed and started hurling abuses to Mahesh Mistry son of the informant Mathur Mistry and they fired at Mahesh Mistry as a result whereof Mahesh Mistry died at the spot. The doctor has found single fire-arm wound of entry at the fore-head of the deceased.

Submission is that petitioners are in custody since 17.03.2020 and 03.05.2020 respectively. It is difficult to attribute against any individual, who had caused single fire-arm injury to the deceased. All the family members have been implicated due to land dispute.

Learned counsel for the informant opposed the prayer for bail on the ground of nature of allegation and for the reason



that the prosecution is receiving threat at the hands of the accused persons.

Considering the fact that the allegation is not specific as to who had caused the single fire-arm injury as well as considering the fact that the investigation of the case is already complete, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Deepnagar P.S. Case No.77 of 2020, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioners shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(c) The petitioners shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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