

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62226 of 2021

Arising Out of PS. Case No.-171 Year-2021 Thana- PATORI District- Samastipur

Deepu Kumar @ Deepu Mahto S/O Late Darogi Mahto R/O Village- Adalpur,
Post.- Siwan P.S.- Patori, Distt- Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Raj Dular Sah
For the Opposite Party/s :	Mr. Nand Kishore Prasad
	Mr. Deepak Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 323,
324, 341, 354, 379, 307, 427, 447/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that he saw the petitioner and nine other accused were
trying to plant bamboo tart and when the informant's son
objected, on which Dharmnath Mahto ordered to kill. It is next
alleged that the petitioner assaulted the informant's son with
katta on his head causing injury and it is next alleged that the
informant went to save his son when he was assaulted on his leg



by Bhola and Sunaina Devi and thereafter, Sheela Devi and Kumod Mahto snatched locket and Rs.30,000/- cash from the informant's pocket. It is next alleged that Anil Mahto and Amit Mahto assaulted the victim with lathi, Prem Mahto, Jitendra Mahto and Anjali Kumari started pelting stones on his house.

The learned counsel for the petitioner submits that admittedly, on account of land dispute, the present occurrence took place. It is next submitted that aggressor was from both side and it is alleged that the petitioner assaulted the son of the informant with katta causing injury on his head, but from the injury report, it would manifest that the injuries are lacerated caused by hard and blunt substance and when Katta is a sharp edged weapon.

It is next submitted that though the injury on the vital part of the body, but simple in nature. It is further submitted that the injury report does not corroborate the allegation as alleged in the F.I.R. The learned counsel next submits that even presuming what is alleged is true without admitting for the purposes of bail then the blow was not repeated.

The learned counsel for the informant as well as the learned A.P.P. opposes the bail application, but are not able to meet the submission made by the learned counsel for the



petitioner that the injury found on the head is simple in nature and the blow is not repeated and the wound is lacerated.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Patori P. S. Case No.171 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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