

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70000 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- KRITYANAND NAGAR District- Purnia

KAILASH MAHTO Son of Late Birchu Mahto Resident of Village - Jhunni
Kala Bind Toli, P.s.- K.Nagar, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-05-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with K.Nagar P.S. Case No. 48 of 2020, registered for the offence punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein, who is own brother of the informant, having entered in the courtyard of the house of the informant, whereafter they are alleged to have engaged in abusing and beating the informant and his family



members. As far as the petitioner is concerned, he is stated to have inflicted a *dabiya* blow on the head of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 8.9.2021. The learned counsel for the petitioner has referred to the injury report of the informant, annexed as Annexure-2 to the present petition, to submit that the Doctor has found the injury sustained by the informant, to be simple in nature. It is further submitted that on account of long pending land dispute, the present occurrence has taken place.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact



that injury sustained by the informant, attributable to the petitioner herein, has been found to be simple in nature, apart from the fact that he is having a clean antecedent and he is languishing in custody since about seven months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K.Nagar P.S. Case No. 48 of 2020.

(Mohit Kumar Shah, J)

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