

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46370 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- BIDUPUR District- Vaishali

Dev Lal Mahto Son Of Parshuram Mahto Resident Of Village- Harpur Gopal,
Police Station- Bidupur, District -VAISHALI

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Kumar Sinha

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 498(A) and 302 of the Indian Penal Code.

3. Allegation against the petitioner is that he assaulted the informant(petitioner's wife) and threatened to kill her along with her child. It is further alleged by the informant that the petitioner killed her one and a half years daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is the husband of the informant due to which he has falsely been implicated in this case. It is further submitted that from para-9



and 10 of this petition that the informant came to know that Government has acquired 5 kathas of land of petitioner's family for making six lane road construction and for that, government has paid Rs. 15 lakhs in the form of compensation to petitioner's family and thereafter informant demanded share from the petitioner of that land. It is also submitted that petitioner always told that the money does not belong to him alone, moreover, he has two unmarried sisters and besides two married sisters. There is no prior complaint in respect of harassment and torture with the informant before this as alleged occurrence. Petitioner has no intention to kill his daughter rather he blessed with another daughter from the wedlock of the informant, so it seems that the prosecution story is concocted. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 08.02.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be



released on bail in connection with Bidupur P.S. Case No. 76 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, 1st Class, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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