

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6099 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- KORHA District- Katihar

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Dilip Mahaldar Son of Late Arun Mahaldar Resident of Makhdampur, P.S.-
Korha, Distt-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr.Binod Kumar No. 3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 03-05-2024

1. Heard the parties.

2. Petitioner seeks regular bail in connection with
Korha P.S. Case No. 323/ 2023 dated 14.08.2023 registered for
the offence(s) punishable under Section(s) 302 read with section
34 of the Indian Penal Code.

3. Mr. Sanjeev Kumar Singh, learned counsel for the
petitioner submits that the F.I.R. itself goes to show that the
alleged occurrence was neither pre-planned nor intentional and
the same took place in the spur of the moment on account of
land dispute and as per allegation, the prosecution party
forcefully started fixing peg on the disputed land which was
objected by the accused and in that course, the petitioner
pressed the mouth of the deceased which resulted in her death,
so, the nature of allegation clearly shows that petitioner had no
intention to kill the deceased and considering this aspect he was



charge-sheeted for the offence punishable under section 304 of the IPC. Learned counsel further submits that the petitioner has been languishing in jail since 16.08.2023 and one co-accused Akhilesh Kumar @ Akhilesh Kumar Singh has already been granted bail by this court vide order dated 19.02.2024 passed in Cr. Misc. No. 7684 of 2024 and the petitioner has got no criminal antecedent.

4. Mr. Binod Kumar No.3, learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly taking into account the nature of allegation appearing against this petitioner from the F.I.R coupled with his custody period and completion of investigation against him, this court is inclined to release the petitioner on bail. Accordingly, let the petitioner named-above be released on bail in connection with Korha P.S. Case No. 323 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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