

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.811 of 2015

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1. Ram Chandra Mehta, Son of Sri Bhuvneshwar Mehta
2. Guliya Devi, Wife of Sri Bhuvneshwar Mehta.
Both are residents of Village - Tonnaha, Police Station - Bhargama in the
Dist. of Araria

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 11-03-2015 Heard the learned counsel for the petitioners, the

State and the informant.

The petitioners seek bail in a case registered for
the offence punishable under Sections 365/34 of the Indian
Penal Code.

The prosecution case, in brief, is that Ashok
Mehta, brother of the informant was a pillion rider on the
motorcycle of Dhyani Yadav and he came down near the
house of Ramchandra Mehta (petitioner no.1) on 6.07.2014.
By the next morning, Ashok Mehta did not return. On
search, it came to the notice of the informant that Ashok
Mehta (victim) had love affairs with the daughter of
petitioner no.1 and it has been suspected that the petitioners

alongwith other co-accused had kidnapped Ashok Mehta or had committed his murder and the dead body has been disappeared.

It is submitted that only suspicion has been made against the petitioners and during investigation, petitioner no.1 has also confessed his guilt and has stated that Bulbul Mehta has caused the death of Ashok Mehta and his dead body was thrown in the river. The petitioner no.2 is the mother of petitioner no.1 and no specific allegation has been made against her. She is an old lady.

The learned counsel for the other side submits that after confession of petitioner no.1, an *Odhani (Dupatta)* has been recovered and other witnesses have also stated that the daughter of petitioner no.1 had love affairs with Ashok Mehta (victim), which was disliked by the accused including the petitioners and as such, he has been killed. The confession has led to recovery of an *Odhani (Dupatta)* by which Ashok Mehta was strangled and after his death, his dead body was thrown in the river by the accused including the petitioner no.1. After investigation, the charge sheet has already been submitted under Sections 364/34 of the Indian Penal Code.

Considering the facts and circumstances of the case, in my opinion, the petitioner no.1 Ram Chandra Mehta does not deserve bail at this stage. His prayer is rejected.

Let the petitioner no.2 Guliya Devi be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri S.K. Singh, Judicial Magistrate, 1st Class, Araria in Bhargama P.S. Case No.126/2014 (G.R. No.2470/2014) with the following conditions :

1. One of the bailors will be the close relative of the petitioner no.2.
2. The petitioner no.2 will not indulge in similar or in any other offence.
3. The petitioner no.2 will be well represented in the court.
4. In case of absence for two consecutive dates or in violation of the terms of the bail, her bail bond will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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