

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12266 of 2016

Arising Out of PS.Case No. -109 Year- 2014 Thana -PURAINI District- MADHEPURA

1. Mukesh Mehta Son of Bhola Mehta, Resident of Village - Makdampur
Korcha Kka Basa, P.S. - Puraini, District - Mahdepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar-1, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 04-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Puraini
P.S. Case No. 109 of 2014, G.R. No. 228 of 2014, S.T. No. 77 of
2015 registered for the offences punishable under Sections 147,
148, 149, 302 of the Indian Penal Code and Section 27 of the Arms
Act.

Allegedly, 13 FIR named accused persons including
the petitioner assaulted the deceased by means of *Lathi*, *Farsa*,
Garasa and sword in presence of the informant and it is alleged
that the petitioner was armed with sword.

Submission is of false implication and that against the
petitioner there is no specific allegation, from the place of



occurrence, the Investigating Officer has seized one blood stained sword and co-accused Bhola Mehta has confessed that the seized sword belongs to him. During post mortem examination four incised wounds were found on the person of the deceased which reflects that except sharp cut weapon no other weapon was used and the sword which was found at the place of occurrence is said to be of Bhola Mehta and not of petitioner and further in this case similarly situated co-accused Nand Kishore Mehta, Lalo Mehta, Kundan Mehta have already been allowed bail vide Cri. Misc. No. 32678 of 2015.

The learned A.P.P. submits that the petitioner is also named in the first Information Report.

In the facts and circumstances stated above, considering the co-accused Nand Kishore Mehta was also armed with sword, has already been allowed and, as such, the petitioner, above named, is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Madhepura in connection with Puraini P.S. Case No. 109 of 2014, G.R. No. 228 of 2014, S.T. No. 77 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within

the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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