

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24862 of 2016

Arising Out of PS.Case No. -169 Year- 2015 Thana -BHARGAWAN District- ARRARIA

Panch Lal Mehta Son of late Kameshwar Mehta @ Kaleshwar Mahta @ Kabeshwar Mehta Resident of Village Majhauva, PS Bhargama, District Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.24878 of 2016

Arising Out of PS.Case No. -169 Year- 2015 Thana -BHARGAWAN District- ARRARIA

Uttim Lal Mehta @ Uttam Lal Mehta Son of Late Manik Lal Mehta Resident of Village Majhaua, P.S. Bhargama, District Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :
(In Cr.Misc. No.24862 of 2016)
For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
Mr. Umesh Prasad, Advocate
For the State : Mr. Jharkhandi Upadhyay , APP

(In Cr.Misc. No.24878 of 2016)

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
Mr. Umesh Prasad, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 17-08-2016 Heard learned counsel for the petitioners, in these

two cases and learned counsel for the State.

The respective petitioners seek bail in connection

with Bhargama P. S. Case No. 169 of 2015 dated 28.08.2015 registered under Section 302/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that there is general and omnibus allegation made in the FIR against seven accused persons, including these two petitioners. One of the accused Arun Mehta whose case is identically situated to that of the petitioners has already been granted bail by a co-ordinate Bench of this Court vide order dated 05.08.2016 passed in Cr. Misc. No. 23722 of 2016. It is further submitted that there is counter case instituted by one Sunil Kumar wherein it has been alleged that it was the deceased who had fired upon Sunil Mehata, but the bullet missed the target.

On the other hand, Mr. Jharkhandi Upadhyay, learned counsel for the State has submitted that in the FIR itself, it has been categorically stated that it was the petitioner Panch Lal Mehto who had fired at the deceased and in order to give a different colour to the case he had planted the firearm in possession of the deceased. He has further contended that several lacerated injuries were found on the person of the deceased in the post-mortem report which would corroborate the story narrated in the FIR that the victim was tied with a motorcycle and dragged by the petitioners for quite a long

distance. Referring to the statements of the witnesses, namely, Parmeshwar Gupta, Anil Mehta, Lalan Ram and Akhilesh Kumar Mehta recorded in paragraphs 9, 10, 11 and 12 of the case-diary respectively, it has been submitted that all the witnesses have fully corroborated the statement of the informant as recorded in the FIR.

In reply, learned counsel for the petitioners has submitted that though there is allegation of firing in the FIR, no firearm injury has been found on the person of the deceased. He has further contended that from the FIR itself, it would be evident that it was the petitioner who had informed the informant of the case regarding the confinement of the deceased.

Regard being had to the facts and circumstances of the case, I am not inclined to grant bail to the petitioners at this stage. Accordingly, the prayer for bail of the petitioners is rejected.

However, the petitioners may renew their prayer for bail after framing of charges.

(Ashwani Kumar Singh, J.)

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