

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10114 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -BHAPATIYAH District- SUPAUL

Raj Kumar Mehta Son of Bishundev Mehta Resident of Village Nonepar
P.S Bhaptiahi District Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-05-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Bhaptiahi P.S. Case No. 01 of 2016 registered for the offences
punishable under Sections 324, 307, 34 and 120(B) of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that while the son of
the informant was making photograph on his computer and the
informant was sitting on verandah, three young boys came to her
shop and started making indiscriminate firing on her son. On
hearing firing sound, informant rushed towards her shop where
she saw that two boys were fleeing away towards north on the
road and the third boy was in her shop, whom she tried to catch



hold, but he also somehow managed to escape, however, informant identified him as Sunil Mehta. The other boys could not be identified. Thereafter the villagers also came there and started chasing the miscreants. The occurrence took place as one Motilal Mukhiya is said to be abducted for which his family members lodged First Information Report naming several persons. The accused persons suspected that the son of the informant had helped the family members of Motilal Mukhiya in lodging the case.

It has been submitted by the counsel for the petitioner that the petitioner has been named in the First Information Report only on the basis of suspicion and he has no criminal antecedent, as is evident from paragraph-3 of this application. He further submits that during course of investigation, it transpired that there was previous enmity between the petitioner and the informant's son regarding PACS election and also that some of the co-accused had hired criminal for committing the aforesaid offence. He submits that on the basis of the confessional statement of one Md. Ismile contained in paragraph 108 of the case diary, name of another person has surfaced, who was on telephonic talk with the said person, namely, Lalan Mehta. It has further been submitted that both the parties are on inimical terms as some of the co-

villagers of the petitioner were accused in Bhaptiahi P.S. Case No. 72 of 2015 and there is no active participation of this petitioner.

However, learned counsel for the informant submits that the petitioner was an accomplice to one Sunil Mehta, who was caught by the informant and Lalan Mehta.

Learned A.P.P. for the State, on the other hand, submits that the petitioner is named by the informant, hence, opposes the prayer for bail.

Be that as it may, since co-accused, Md. Ismile confessed his guilt in his confessional statement, but had not named the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Bhaptiahi P.S. Case No. 01 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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