

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48304 of 2016

Arising Out of PS.Case No. -168 Year- 2015 Thana -BHARGAWAN District- ARRARIA

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1. Sunil Kumar Mehta Son of Late Saryug Mehta resident of Village-
Majhua, P.S.- Bhargama, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 12.01.2017 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 307
of the Indian Penal Code and sections 25 (I-b)a, 26,27 of the Arms
Act.

Originally, petitioner lodged the present case against
deceased- Udaichand Mehta on the accusation that deceased made
firing on him but fortunately, he escaped unhurt and the deceased
Udaichand Mehta was caught by the villagers who mercilessly
assaulted him. The deceased died in course of his treatment and after
that brother of the deceased lodged Bhargama P.S. Case no. 169/2015
against the petitioner and others for the offence punishable under
section 302 of the Indian Penal Code.

The Investigating officer, after completion of investigation,
submitted charge sheet against the petitioner in the present case and



thereafter, cognizance was taken by the court below.

It is apparent from the aforesaid facts that the Investigating officer as well as the concerned court failed to take note of this fact that a separate case in respect of killing of the deceased had already been lodged and both the cases ought to have been investigated together by the concerned I.O. Moreover, it is informed on behalf of the petitioner that the petitioner has already been granted privilege of bail by a coordinate bench of this court in Bhargama P.S. Case no. 169/2015.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge III, Araria in Sessions Trial no. 476 of 2016/ Tr. no. 136 of 2016 arising out of Bhargama P.S. Case no. 168/2015.

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(Hemant Kumar Srivastava,J)

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