

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14992 of 2018

Arising Out of PS. Case No.-26 Year-2014 Thana- CHAUSA District- Madhepura

Sanjay Mehta, S/o Vakil Mehta, R/o village- Jhandapur Basa, P.S.- Chausa,
District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajkishore Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-03-2018 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner is languishing in custody since 27.01.2018, in connection with Chausa P.S. Case No. 26 of 2014, G.R. No. 503 of 2014 for the offence alleged under Sections 147, 148, 149, 302, 504 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while she along with her husband (deceased) Nand Kishor Mehta were scattering fertilizer in the field taken on *batai*, the petitioner along with other accused persons surrounded her husband and opened fire indiscriminately on which her husband succumbed.

It has been submitted by the learned counsel for the



petitioner that he is innocent, there is no criminal history. There was land dispute between the parties, even dead persons have been made accused and there is no specific allegation that the petitioner had any weapon in his hand and opened fire. He submits that some co-accused similarly situated, have been granted privilege of bail by coordinate benches of this Court in Cr. Misc No. 37516 of 2015 vide order dated 25.08.2015. He submits that he is ready to cooperate in the investigation and provide all necessary information and undertakes not to tamper with the evidence of the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Udakishunganj, Madhepura, in connection with Chausa P.S. Case No. 26 of 2014, subject to the following conditions-

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner.



2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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