

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32871 of 2019

Arising Out of PS. Case No.-309 Year-2018 Thana- RANIGANJ District- Araria

MUSHARU MEHTA Son of Late Dukha Mehta Resident of Village -
Madhulatta, Ward No.4, P.S.- Raniganj, Dist.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30132 of 2019

Arising Out of PS. Case No.-309 Year-2018 Thana- RANIGANJ District- Araria

SITARAM MEHTA S/o Late Dharpu Mehta Resident of Village- Madhulatta,
Ward No.4, P.S.- Raniganj, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32871 of 2019)

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Ram Naresh Ray

(In CRIMINAL MISCELLANEOUS No. 30132 of 2019)

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 17-07-2019 Heard the learned counsel for the petitioners,
informant and the learned A.P.P. for the State.

The petitioners seek bail in Raniganj P.S. Case No.
309/2018, instituted for offences under Section(s) 302, 201/34
of the Indian Penal Code.

It is alleged in the written report that on the date of



occurrence husband of informant had gone to graze his buffalo along with one Joganand Mehta. After some time, Joganand Mehta returned in injured condition and told that due to darkness buffalo had entered into grass field which they could not see. Thereafter petitioner along with other accused persons came there and assaulted them with *Lathi* and *Danda*. Informant came to the place of occurrence and found her husband lying dead.

Learned counsel for the petitioner has submitted that informant is not eye-witness to the occurrence. Occurrence has taken place at 3:30 AM in the morning. There was darkness at the place of occurrence.

Learned counsel for informant has submitted that Joganand Mehta has given statement under Section 164 Cr.P.C., wherein he has stated that he had seen the occurrence. He has further stated that these petitioners along with other accused persons had assaulted the husband of informant.

Post-mortem report is available in case diary, from which it appears that deceased had sustained two injuries.

From the written report it appears that Joganand Mehta had come to the house of informant in injured condition. He was not present at the place of occurrence at that time when



husband of informant had died.

Petitioners are in custody since 02.03.2019.

Considering the aforesaid facts and circumstances, prayer of the petitioners for grant of bail is allowed. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Araria in connection with Raniganj P.S. Case No. 309/2018, subject to the conditions that both the bailors shall be the close relative of the petitioners.

(Sanjay Priya, J)

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