

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60781 of 2018

Arising Out of PS. Case No.-28 Year-2004 Thana- CHAUSA District- Madhepura

DEVENDRA MEHTA @ DEVO @ DEVENDRA SINGH S/o Late Brarat Mehta, resident of Village- Pandehi, Basa, Ward No. 10, Chousa, P.S. Chousa Fulout out post, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar-1

For the Opposite Party/s : Mr.Sri Umeshnand Pandit

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 21-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Chousa P.S. Case No. 28 of 2004** registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged in his written complaint that when he was irrigating his Maize field on 15.03.2004 at about 3:15 pm, he heard the sound of firing and came out from his field and saw petitioner along with FIR named accused variously armed with country made pistol were fleeing away and when he reached the place of occurrence he saw that his father was shot dead by them.

It has been submitted on behalf of the petitioner that



he is innocent and has been falsely implicated in this case due to land dispute. There is no specific allegation of any overt act against the petitioner rather the allegations are general and omnibus in nature. Petitioner is in custody since 19.03.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Sub Divisional Judicial Magistrate-Udakishunganj (Madepura)**, in connection with **Chousa P.S. Case No. 28 of 2004**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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