

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45360 of 2019

Arising Out of P.S. Case No.-74 Year-2019 Thana- MADHEPURA District- Madhepura

Nago Mehta aged about 62 years, Son of Panchlal Mehta @ Panchu Mehta,
Resident of Village Bireli Bazar, P.S. Madhepura (Bhorrahi O.P.), District-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate
For the State	:	Mr. Brajendra Nath Pandey, Mr. Shardanand Mishra and Mr. Deepak Kumar, Advocates

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 11-12-2019

Heard learned counsel for the petitioner; learned APP for
the State and learned counsel for the informant, who has *suo motu*
appeared.

2. The petitioner seeks bail in Madhepura (Bharrahi) PS
Case No. 74 of 2019 dated 20.01.2019 instituted under Sections
302, 120B/34 of the Indian Penal Code and 27 of The Arms Act,
1959.

3. The allegation against the petitioner and two others is
of firing on the husband of the informant, who succumbed to such
injury.

4. Learned counsel for the petitioner submitted that
nobody is an eye witness as the informant herself has submitted



that her husband while going for milking the cow of her sister, the incident happened on the way. It was submitted that the witnesses have also stated that upon hearing gunshot, they had come and saw the three accused persons, including the petitioner, going away on a motorcycle. Learned counsel submitted that in the postmortem only one gunshot injury has been found. It was further submitted that the petitioner is in custody since 30.01.2019. Learned counsel submitted that co-accused Bahadur Ram has been granted bail by a co-ordinate Bench of this Court on 16.11.2019 in Cr. Misc. No.27496 of 2019.

5. Learned APP and learned counsel for the informant, from the case diary, submitted that there are many eye witnesses to the crime and even the informant is an eye witness. It was submitted that the deceased himself made the allegation against the petitioner and others which has been video recorded. Learned counsel submitted that there is sufficient motive also which has been explained in the FIR itself. It was further submitted that the main motive, as has been explained in the FIR, is against the petitioner and the other two co-accused, including Bahadur Ram, were only accomplice of the petitioner. It was submitted that eye witnesses in paragraphs no. 8, 9 and 10 of the case diary and the



deceased himself have specifically stated that the bullet fired by the petitioner had hit the deceased.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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