

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54000 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- AMBA District- Aurangabad

1. MOHAN MEHTA Son of Late Dhankeswar Mahato Resident of Village- Barahikhap, P.S.- Tandawa, District- Aurangabad, Bihar.
2. Bhairo Lal Mehta Son of Rajdev Mahato Resident of Village- Kishunpur, P.S.- Amba, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yugal Kishore, Adv.
	:	Mr. Rupa Kumar, Adv.
For the Opposite Party/s	:	Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 01-10-2019 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners, who are in custody, seek bail in connection with Amba P.S. Case No. 44 of 2019 registered for the offence punishable under Sections 302, 34 of the Indian Penal Code.

Informant is the father of deceased who, in his written complaint has stated that on 10.05.2019 his son had gone to Aurangabad to update his bank account but till evening he did not return and his mobile was also found switched off and thereafter on next day i.e. 11.05.2019 he received information that dead body of his son was lying at village Kishanpur.



Thereafter he alongwith his grandson went there and found the dead body of his son and he suspects that some unknown miscreants have committed the murder of his son. Deceased was brother-in-law of petitioners.

It has been submitted on behalf of petitioners that they are not named in the FIR and have been falsely implicated in this case only on suspicion. Deceased had love affair with the sister of petitioner No. 2 which was not liked by him and he warned deceased not to continue such relation. Deceased had gone to Hariharganj with the petitioner No. 2 and petitioner No. 2 returned but the deceased did not return. Mobile location also supports case of prosecution. Deceased was killed by strangulation. Petitioner No. 2 has confessed his guilt.

Considering the aforesaid facts and circumstances of the case, let petitioner No.1 named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad, in connection with Amba P.S. Case No. 44 of 2019 subject to the conditions that:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner No. 1 shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner No.1 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 No. 1.

So far as petitioner No. 2 is concerned, since there is strong suspicion against him, I am not inclined to grant bail to the petitioner No. 2 at this stage. Accordingly the prayer for bail of petitioner No. 2 is rejected.

(S. Kumar, J)

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