

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81716 of 2019

Arising Out of PS. Case No.-89 Year-2019 Thana- NIRMALI District- Supaul

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1. Umesh Mehta Son of Late Sukhdeo Mehta Resident of Village- Domuhan, Ward No.-1), P.O.- Dighiya, P.S.- Nirmali, District- Supaul
 2. Subhash Mehta Son of Ram Vilas Mehata Resident of Village- Domuhan, (Ward No.-1), P.O.- Dighiya, P.S.- Nirmali, Distt- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioners and
Additional Public Prosecutor for the State.

The petitioners seek bail in **Nirmali P.S. Case No. 89 of 2019**, registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

Prosecution case is that on 30.05.2019, informant's son had gone towards Kosi river with buffalo, but he did not return. On the next morning, the dead-body of informant's son was recovered from the bank of river. It is suspected that all the accused persons including these petitioners committed murder of son of informant because of previous land dispute.

It is submitted by learned counsel appearing on behalf



of petitioners that petitioner have falsely been implicated in this case on the basis of suspicion. There is no eye-witness of the occurrence. No incriminating article has been recovered from possession of these petitioners which shows complicity of the petitioners in the alleged crime. Both sides are agnates and land dispute is going on between the parties. Informant had also lodged a case bearing Title Suit no. 2 of 2015 against the father of petitioner no. 1 and grand-father of petitioner no. 2. Charge-sheet has already been submitted. Petitioner no. 1 is in custody since 05.08.2019 and petitioner no. 2 is in custody since 18.07.2019 having clean antecedent.

Considering the facts aforesaid, the petitioners above-named, are directed to 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 **Judicial Magistrate, Birpur, Supaul** in connection with **Nirmali P.S. Case No. 89 of 2019**, subject to the conditions:-

(i) The petitioners 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be



cancelled by the court below.

(ii) If the petitioners tamper 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 petitioners.

(Prabhat Kumar Singh, J)

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