

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9399 of 2020**

Arising Out of PS. Case No.-45 Year-2016 Thana- KUNALI District- Supaul

SUKHRAM MEHTA, Son of Sri Nandi Mehta, Resident of Village - Patnaha,  
P.S.- Kunauli, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Amrit Abhijat, Adv.

For the Opposite Party/s : Mr.Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      16-06-2020                      This case has been heard through Video Conferencing.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 307, 326, 323, 341, 147, 148, 149 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution story, in brief is that one Manoj Kumar Yadav gave his fardbeyan to A.S.I. of Kunauli P.S. on 07.11.2016 that on yesterday, 06.11.2016, he was standing in front of his house at 8 a.m. when three persons riding on a motorcycle came and two persons were coming after no sooner motorcycle came near me. One person asked to kill me Lakhan



Mehta fired from his gun causing injury to his back. I tried to escape, then Durga Mehta fired at me but the bullet did not hit me. On that motorcycle, Lakhan Mehta was also sitting. Earlier they killed his elder brother Om Prakash Yadav. They also attempted to kill his brother Pramod Yadav, but the bullet is still inside his body. It seems that accused persons had intention to ill my entire family members.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Moreover, no legal materials came against the petitioner. During investigation of case, apprehension of arrest arisen on account of police report (charge-sheet) dated 03.02.2017 wherein charge-sheet was submitted against Durga Mehta and investigation was kept pending against non-FIR accused (petitioner). The petitioner was in judicial custody in Kunauli P.S. Case No.42/2016, S.T. No. 92/2017 for the period from 24.09.2016 to 28.07.2017. The present occurrence took place on 07.11.2016, admittedly on that day he was in judicial custody as per information supplied to him dated 19.08.2019 issued by the learned Additional Sessions Judge-III, Supaul (Annexure-2).

Learned APP for the State submits that there is five more cases against the petitioner which is mentioned in para-3



of the bail petition. It is not fit case for granting the anticipatory bail and the witnesses have supported the prosecution case in the case diary.

In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Kunauli P.S. Case No. 45 of 2016 from the Court of learned Judicial Magistrate, Birpur, District-Supaul.

Accordingly, the application is dismissed.

However, petitioner is directed to surrender before the learned court below and make prayer for bail, the learned court below shall dispose of the bail petition on the same day without being prejudiced by this order.

**(Anjani Kumar Sharan, J)**

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