

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6882 of 2020

Arising Out of PS. Case No.-143 Year-2019 Thana- KUTUMBA District- Aurangabad

ARJUN MEHTA S/o Bhuneshwar Mehta R/o Village-Sanda, P.S.-Kutumba,
District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-06-2020 The present case was heard at length on 29.05.2020
and it has been listed today “For Orders”.

The petitioner seeks regular bail in connection with
Kutumba P.S. Case No. 143 of 2019 for the offence punishable
under Sections 302, 328, 120(B)/34 of the Indian Penal Code.

The case of the prosecution in brief is that the father of
the informant namely Saryu Mehta had gone to the house of
one Naresh Rajwar for having dinner on 30.09.2019 at about 8
P.M, upon an invitation extended by the petitioner herein. It is
further alleged that when the father of the informant did not
return to his house till 10 P.M., the informant did not search for
him in the night on account of darkness, however, on the next
very day at about 9:30 A.M. in the morning, the informant was
informed that the dead body of his father was lying at the
boring situated towards the west of his village and then the



informant had gone to the said place, where he identified the dead body of his father and he noticed that the entire body of his father had become black and foam like substance was oozing out from his mouth. The informant is stated to have also noticed that there was sign of poison on the back side of the house of the co-accused namely Naresh Rajwar. It has also been alleged by the informant that he suspects that his uncle Arjun Mehta i.e. the petitioner herein had a scuffle with his father on account of the accused persons always alleging that the father of the informant was engaging in black magic and was a Tantrik. The informant has further alleged in the FIR that the petitioner and other accused persons had murdered the father of the informant by administering poison at the time of dinner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is having a clean antecedent and has been falsely implicated in the present case. It is further submitted that the petitioner is languishing in custody since 02.10.2019. It is also submitted that there is no material, which has emerged during the course of investigation, to connect the petitioner with the alleged crime.

Per contra, the learned counsel for the informant Shri Yugal Kishore has submitted that there is ample material in



the case diary to connect the petitioner with the alleged crime.

The learned APP, appearing for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, perused the materials available on record as also have gone through the case diary. A bare perusal of the materials available on record of the case would show that though it has been alleged that the father of the informant was on inimical terms with the petitioner and his family members and they used to always fight with the father of the informant, however, on the other hand it has been stated in the first information report that the father of the informant had gone to the house of the accused persons including the petitioner herein for dinner, which creates a doubt regarding the veracity of the version of the informant, as narrated in the F.I.R. Nonetheless, a bare perusal of the case diary would show that as far as the post-mortem report is concerned, no external and internal ante-mortem injuries have been found and viscera report from the FSL is awaited, hence, the opinion has been reserved by the doctor. It is also clear from the case diary that *prima facie*, there does not appear to be enough material to conclusively prove the guilt of the petitioner herein and moreover, the petitioner is having a clean antecedent and is languishing in custody since 02.10.2019, apart from the fact



that charges have already been framed, the trial has begun and the case is at the stage of prosecution evidence. Thus, benefit of doubt can be granted to the petitioner, as far as consideration of the present petition for grant of bail is concerned, however, subject to certain conditions.

Considering the afore mentioned facts and circumstances of the case, this Court deems it fit and proper to direct for release of the petitioner on regular bail. Let the petitioner, above named, be enlarged on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad in connection with Kutumba P.S. Case No. 143 of 2019.

It is needless to state that the petitioner shall appear before the learned trial court on each and every date so fixed in the ongoing trial and in case of two consecutive defaults in appearance before the learned court below, the present privilege of bail being extended to the petitioner herein shall stand revoked automatically and the petitioner shall be taken into custody forthwith.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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