

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13477 of 2021

Arising Out of PS. Case No.-118 Year-2020 Thana- BIHARIGANJ District- Madhepura

BIRENDRA MEHTA SON OF LATE BHAGWAT MEHTA R/o village-
Sheikhpura Ward Number 8, P.S.- Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh No.5, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-10-2021 Heard the parties.

The petitioner seeks bail in connection with Biharigarh P.S. Case No.118 of 2020 registered for the offence punishable under Sections 341, 323, 324, 325, 307, 379, 504, 506 of the IPC and later of 302 IPC was added.

The prosecution case in short is that petitioner along with other co-accused variously armed with lathi danda came at the door of his elder brother and abused him. It is alleged that the they assaulted his brother and his family member. Allegation against the petitioner is that he assaulted the informant's elder brother on his head with iron rod. They also snatched the ornaments of their family members during course of assault. On assembly of the people, somehow the informant's family members were saved and the injured were taken for treatment.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence in the manner as alleged has ever taken place. He has been falsely implicated in this case due to enmity. The occurrence took place on 01.06.2020 but the FIR was lodged on 05.06.2020 i.e. with a delay of four days without any proper explanation of such delay and the said case has been received in the court on 10.6.2020 and as such there is serious doubt with regard to the prosecution story as alleged by the informant. It is further submitted that there is case and counter-case between the parties, in which both sides have sustained injuries. The deceased and other injured persons were treated in the hospital whereupon they were discharged on the same day and the deceased died in the home. Thereafter the present case was lodged by the informant. The petitioner has no criminal antecedent and has been languishing in custody since 24.06.2020.

Learned APP for the State opposed the prayer for bail.

Considering the aforesaid facts and on perusal of the record including the case diary, I find that there is a specific allegation against the petitioner that he assaulted the informant's elder brother (deceased) on his head by means of iron rod, as



such, I am not inclined to grant bail to the petitioner at this stage.

The prayer for bail of the petitioner made through the instant application is hereby rejected.

However, the learned trial court is directed to expedite the trial of the petitioner as expeditiously as possible.

(Anjani Kumar Sharan, J)

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