

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35545 of 2021

Arising Out of PS. Case No.-140 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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MADHAV MEHTA S/O UPENDRA MEHTA R/o village- Pranpatti, P.S.- K.
Nagar (Champanagar), District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal- Sr. Advocate
For the Opposite Party/s : Mr. Amit Kumar Rakesh- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2021 Heard learned senior counsel for the petitioner and
the learned APP for the State.

The petitioner seeks bail in connection with K. Nagar
(Champa Nagar) P. S. Case No.140 of 2019, instituted for the
offences under Sections 341, 323, 324, 307, 504/ 34 of the
Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 23.02.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

Allegation against this petitioner in the F.I.R. is of
assaulting the son of the informant on 22.04.2019 by an iron rod
on his head on account of dispute which occurred when the son



of the informant along with villagers had gone to attend a Barat ceremony of son of Suresh Mehta of the village.

The learned senior counsel for the petitioner submits that in the F.I.R., no reason for the occurrence has been given. It is further submitted that it does not stand to reason that on a petty dispute the occurrence would have taken place. Further from allegation in the F.I.R., it appears that the informant is not an eye witness to the occurrence as he alleges that his son disclosed about the present occurrence then they slept and in the morning, this petitioner assaulted on head and other accused also assaulted. It is submitted that allegation appears to be vague as time of occurrence is not given.

The learned senior counsel for the petitioner further submits that from perusal of the allegation as alleged, it would manifest that occurrence is of 22.04.2019 and the F.I.R. has been instituted on 26.04.2019, after a delay of four days. As such, it seems that petitioner has been implicated by way of after thought.

The learned A.P.P. for the State opposes the bail application and submits that witnesses have supported the prosecution case and the injury has been found to be grievous in nature on vital part of the body



Considering the fact that the petitioner is in custody since 23.02.2021, he is a person with clean antecedent and charge-sheet has been submitted in this case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with K. Nagar (Champa Nagar) P. S. Case No.140 of 2019, with a condition that the petitioner will continue to mark his attendance before the concerned police station in between 20th to 25th of every month commencing from January, 2022, till the charges are not framed. In the event, if it is reported to the learned court below by the concerned police station that the petitioner has not marked his attendance in any of the month in between the aforesaid dates, the learned Court below will be at liberty to cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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