

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8236 of 2021

Arising Out of PS Case No.-74 Year-2019 Thana- MADHEPURA District- Madhepura

Nago Mehta, aged about 56 years, Son of Late Panchu Mehta, Resident of Village- Birali Bazar, Hanuman Mandir, Ward No.06, PS- Madhepura (OP Bharrahi), District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Vishokanand, Advocate
For the State	:	Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 03-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Kumar Vishokanand, learned counsel for the petitioner and Ms. Anita Kumari Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Madhepura (Bharrahi) PS Case No. 74 of 2019 dated 20.01.2019, instituted under Sections 302/120B/34 of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 11.12.2019 in Cr. Misc. No. 45360 of 2019.



5. The allegation against the petitioner and two others is of firing on the husband of the informant as a result of which he died.

6. Learned counsel for the petitioner submitted that there is no eye witness and further that the allegation is against three persons and not against the petitioner only and that in the postmortem only one gunshot injury has been found. Learned counsel submitted that he has been falsely implicated and is in custody since 30.01.2019.

7. Learned APP submitted that there are many witnesses to the crime and even the informant is the eye witness. It was submitted that the deceased himself had made the allegation against the petitioner and others which has been video recorded. Learned counsel submitted that there is sufficient motive for the crime which has been explained in the FIR, that the petitioner was in illicit relationship with the sister of the deceased and, thus, it is clear that he was the person having the real motive to kill and even witnesses have stated in paragraphs no. 8, 9 and 10 of the case diary that the deceased himself had specifically stated that the bullet was fired by the petitioner.



8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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