

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1846 of 2020

Arising Out of PS. Case No.-199 Year-2017 Thana- GAYA MUFASIL District- Gaya

1. Ram Kumar Mehta, aged about 53 years, Male, S/o Ram Awtar Mehta, Resident of Village- Baradih, P.S.- Mufassil, District- Gaya.
2. Ravi Mehta @ Ravi Kiran Mehta, aged about 41 years, Male, S/o Radhey Mehta
3. Vijay Mehta @ Bijay Mehta, aged about 54 years, Male, S/o Sitaram Mehta, both 2 and 3 resident of Village- Sikhar, P.S.- Mufassil, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha, Advocate
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-02-2021 Learned counsel for the appellants is permitted to remove the defect within four weeks.

Heard learned counsel for the appellants and learned A.P.P. for the State.

The appeal is against the order dated 10.02.2020 passed by learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No.37of 2020, whereby the Anticipatory Bail Petition of the appellant in connection with Moffasil P.S. Case No.199 of 2017 for the offences punishable under Sections 341, 323, 147, 148, 149, 427, 337, 354 of the Indian Penal Code and Sections 3 (1)(g)(s)(w) of SC/ST (Prevention of Atrocities) Act, has been



rejected.

Allegation against the appellants is that the other accused persons altogether six in number assaulted and abused the informant by caste name and damaged the wall as well as assaulted by brickbats and when his daughter came to save her, she was also assaulted by Ram Kumar Mehta and also teased by him and when her son went to save her, he was also assaulted by brickbats.

Submission of learned counsel for the appellants is that no specific allegation has been attributed against any of the appellants and there is case and counter case between the parties and a proceeding under Section 144 of the Cr.P.C. is going on and due to that present false and concocted case has been lodged.

I have perused the impugned order including the F.I.R. There is specific allegation against appellant no.1, namely, Ram Kumar Mehta.

Accordingly, I am not inclined to enlarge the appellant no.1, namely, Ram Kumar Mehta on anticipatory bail. It is hereby rejected.

However, There is general and omnibus allegation against appellant nos.2 and 3 and similarly situated co-accused



has been granted bail by this Co-ordinate Bench of this Court vide order judgment dated 25.01.2019 passed in Cr. Misc. No.4249 of 2018.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the appellant nos.2 and 3, namely, Ravi Mehta @ Ravi Kiran Mehta and Vijay Mehta @ Bijay Mehta be released on anticipatory bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Mofassil P.S. Case No.199 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 10.02.2020 is set aside against appellant nos.2 and 3 and appeal is allowed.

This appeal is partly allowed.

(Anjani Kumar Sharan, J)

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