

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32044 of 2020

Arising Out of PS. Case No.-41 Year-2019 Thana- RATANPUR District- Supaul

1. Niraj Kumar Mehta @ Niraj Mehta aged about 30 years S/o Bauval Mehta Resident of Village-Patraha, Narhoa, Ward no.3, P.S.-Ghurna Bazar, District-Araria.
2. Chandan Mehta aged about 24 years S/o Bauval Mehta Resident of Village-Panch Pararia, Ward no.8, P.S.-Ratanpura, District-Supaul Petitioners

Versus

The State Of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Murari Narain Chaudhary, Advocate
For the Opposite Party : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-03-2021 Heard learned counsel for the petitioners and the State.

The petitioners seeks regular bail in a case registered for the offence punishable under sections 307/379 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, when the informant was sprinkling insecticide in his field, at about 7 pm petitioner no. 1 came there and asked him to come at his house as his father and uncle were waiting for him. On the way, petitioner no.2 caught the informant while petitioner no.1 twisted his neck. Accused persons poured acid on the neck and head of the informant and took away cash Rs.500/- and mobile phone from his pocket. Informant alleged that all the named accused persons and 5 to 7 unknown persons tried to kill him.

Learned counsel for the petitioners submits that the petitioners is innocent and have falsely been implicated in this case due to enmity and village politics. It is also submitted that



though the alleged occurrence has taken place on 13.6.2019 while FIR has been lodged on 7.7.2019 without cogent explanation of delay. Petitioners are in custody since 18.11.2019 and 23.11.2019 respectively. As stated in paragraph 3 of the bail petition, petitioner no.1 is accused in three other cases, whereas petitioner no 2 has got clean antecedent.

Learned counsel for the State opposes the prayer for bail. He submits that there is allegation against the petitioners and petitioner no.1 has got antecedent as he is accused in three other cases of similar nature.

As petitioner no.2 has got clean antecedent, and only allegation against the petitioner is of catching hold of the informant, prayer for bail of the petitioner no.2 is allowed. Let the petitioner no.2, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VII, Supaul/ Incharge successor court in Sessions Trial No. 124 of 2020/Ratanpura Police Station Case No. 41 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

As petitioner no.1 has got criminal antecedent and he is accused in three other cases of similar nature, his prayer for bail is rejected.

(Prabhat Kumar Singh, J)

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