

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34253 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- TANDWA District- Aurangabad

ABHAY MEHTA Son of Shankar Mehta Resident of Village - Budhan Bigha,
Bela, P.S. - Tandwa, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

WITH

CRIMINAL MISCELLANEOUS No. 33967 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- TANDWA District- Aurangabad

Shankar Mehta Son of Late Chandradeo Mehta Resident of Village-Budhan
Bigha, P.S.-Tandwa, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34253 of 2020)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 33967 of 2020)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 30-01-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are languishing in custody for the
offences punishable under Sections 341/323/325/504/ 506/307 /
302/120B/34 of the Indian Penal Code.

For property dispute panchaitiy was going on and



occurrence of assault took place. There is case and counter case. From the side of petitioners one Ramanand Mehta and Manmohan Mehta had sustained one laceration at their head.

Allegation is that co-accused Anandi Mehta brought an iron rod from the house and caused injury at the head of the father of the informant. Thereafter, petitioner Shankar Mehta assaulted with lathi causing fracture of leg of the father of the informant. Petitioner Abhay Mehta also assaulted with lathi. However, it is not specific as to which part of the body of the father of the informant was hit.

Learned counsel for the petitioners submits that the occurrence took place at the spur of moment and both sides have sustained injuries. It was chance that father of the informant died. The petitioners are in custody since 11.05.2020. Investigation of the case is already complete. They have got no criminal antecedent. They are ready to cooperate with the trial.

Learned counsel for the informant opposed the prayer for bail on the ground that the doctor has found four injuries on the head of the deceased and when several persons were committing assault it was difficult to ascertain who had caused which injury but so far the informant could identify she has stated in the FIR.



Considering the background of allegation and nature of allegation against the petitioners, let the petitioners, above named, be released on bail **after framing of the charges so that the trial may not hamper** on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Tandwa P.S. Case No.30 of 2020, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioners shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(c) The petitioners shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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