

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37024 of 2020

Arising Out of PS. Case No.-172 Year-2020 Thana- BIDUPUR District- Vaishali

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ARUN KUMAR MEHTA S/o Late Vishwanath Mehta R/o village- Panapur,
P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 10-03-2021 Heard Mr. Sandip Kumar, learned counsel for the
petitioner and Mr. B.N. Pandey, learned Addl. P.P.

The petitioner seeks bail in Bidupur P.S. Case No. 172
of 2020, registered for the offences punishable under Sections
302, 120(B) of the Indian Penal Code.

The informant is the widow of the deceased. The
informant disclosed that on 15.05.2020 at about 10 AM her
husband left the house on his motorcycle to go to Kanti factory
situated at Madhurapur, in between 10:30-11:00 O'clock,
informant received phone call and got information that firing
was made around the factory of her husband. The informant
immediately proceeded to the factory along with her son
Manoranjan Kumar Singh. When the informant reached near
Madhurapur Milk Centre, she got information that her husband



was lying injured at the Darwaja of Arun Mehta (Petitioner). On asking, husband of the informant disclosed that Amrendra Kumar Singh @ Pappu Singh, Dipak Singh, Kunal Singh, Kundan Singh, Pappu Singh, Arun Mehta and three other unknown persons who had come on motorcycle conspired with each other and made indiscriminate firing on account of which her husband got severe injuries. The accused persons were demanding Rs. 20 lacs and on account of non-fulfillment of the amount the occurrence took place.

Mr. Sandip Kumar, learned counsel for the petitioner submits that save and except the wife, son and nephew of the deceased, there is no other witness to the occurrence. One Ramesh Yadav was arrested during course of investigation and he is said to have confessed his guilt. Ramesh Yadav disclosed that Amrendra Singh @ Pappu Singh and others fired upon the husband of informant and he along with others caused death of Luv Kush Singh. Ramesh Yadav did not disclose the name of this petitioner. It is further submitted that Kundan Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 15.12.2020 passed in Cr. Misc. No. 28682/2020.

Learned Addl. P.P. has also submitted that Ramesh



Yadav did not disclose the name of this petitioner but from the perusal of the records it appears that Ramesh Yadav was arrested by the police, although he is not named in the F.I.R. and the police got the confessional statement of Ramesh Yadav but thereafter the investigating officer did not collect any tangible material against any of the accused persons in pursuance of the confession made by Ramesh Yadav. The wife, son and nephew of the deceased has very categorically stated that when they reached near the Darwaja of Arun Mehta, Luv Kush was alive and he disclosed that petitioner and others conspired and when he reached at the Darwaja of petitioner, he along with other accused persons made indiscriminate firing. Subsequently, husband of informant died.

Taking into consideration that in presence of the wife son and the nephew of the deceased, the deceased himself made oral dying declaration disclosing the name of petitioner, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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