

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39318 of 2020

Arising Out of PS. Case No.-166 Year-2019 Thana- TRIVENIGANJ District- Supaul

1. Kuldeep Mehta, Son Of Shri Ramdahin Mehta, Resident Of Fulkaha, Ward No. 16, P.S. - Jadia, District - Supaul
2. Dilip Yadav, Son Of Shri Bijendra Yadav, Resident Of Village - Jadia, Ward No. 16, P.S. - Jadia, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 01-03-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Triveniganj P.S. Case No.166 of 2019 registered for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act, which is pending in the court of learned Additional Chief Judicial Magistrate-I, Supaul.

The prosecution case is that when the informant's son was going on his motorcycle, he has been killed.

It is submitted by the learned counsel representing the petitioners that as per the prosecution case, there was no enmity of the deceased with anyone. Three months later, during investigation, a suspicion has been cast on the petitioners



without any basis as no material has come even to suggest their implication in the killing. Petitioner No.1 has clean antecedents. Petitioner No.2 is an accused in another case in which he is on bail. They are in custody in this case now since 10.07.2020

Learned APP for the State has opposed the prayer for bail and has referred to several paragraphs of the case diary. It is submitted that in the investigation, mobile tower location and call details of the petitioners have been examined and it has come that the same was near the place of occurrence on the fateful day. There is other material also to suggest that the victim's wife was having some illicit relations prior to her marriage.

Considering the rival submissions, this Court, for the present, is not inclined to allow the petitioners' prayer for grant of bail. The same is rejected.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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