

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4338 of 2021

Arising Out of PS. Case No.-104 Year-2020 Thana- ALAMNAGAR District- Madhepura

Natwar @ Nitish Mehta Son of Sachidanand Mehta @ Sacho Mehta Resident
of Village- Bajraha, Police Station-Alamnagar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 19-03-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Alamnagar P.S. Case No. 104 of 2020, registered for the offence under Sections 302/120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 09.05.2020 at 8:00 PM, while the informant was cooking meal in her house, in the meantime, her son disclosed that his father (deceased) was lying on the road near Basa. On receipt of such information, the informant alongwith her son went there and saw the deceased lying on road and on his temporal region, one wound was found. Suspicion has been raised that due to old land dispute, all the 12 FIR named accused persons including this petitioner committed the murder of informant's husband.



It is submitted on behalf of the petitioner that petitioner has been made accused only due to land dispute and only a suspicion has been raised against this petitioner. There is no eye-witness to the occurrence and there is no specific allegation against this petitioner. Petitioner has got clean antecedent and he is in custody since 10.05.2020. Chargesheet has already been submitted.

Considering the aforesaid facts & circumstances as well as the fact that petitioner has been made accused only on suspicion, old land dispute between the parties and there is no eye-witness to the occurrence, the bail application of petitioner is allowed.

Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Uda-Kishunganj, District Madhepura in connection with Alamnagar P.S. Case No. 104 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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.”

(Prabhat Kumar Singh, J.)

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