

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4206 of 2022

Arising Out of PS. Case No.-143 Year-2021 Thana- BARUN District- Aurangabad

AMRES KUMAR @BOBY @BOBY KUMAR MEHTA Son of Lalan Kumar Mehta @ Lalan Kumar Varma Resident of Village - Hetampur, P.S.- Barun, Distt.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Adv.
For the Opposite Party/s : Mr. Mungeshwar Dayal, APP
For the Informant : Mr. Dheeraj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner as well as learned counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Barun P.S. Case No. 143/2021 in Sessions Trial No. 197/2021 / 213/2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 354, 448, 324, 504 the Indian Penal Code and Section 302 of the I.P.C. read with vide order dated 16.06.2021.

As per prosecution case, on 09.06.2021 around 6.30 pm the informant was returning from work to his house and



when informant reached near the house of Jyauddin Miyan, then this petitioner alongwith other accused persons assaulted him. Bobby Kumar Mehta was carrying falsa and Deepak Kumar Singh, was carrying iron rod, they both assaulted the informant causing head injury and he fell down. The informant further alleged that again at 9.30 pm petitioner alongwith other accused persons assaulted the informant and his family members during treatment Jitan Prasad Khatri died.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Specific allegation against the petitioner who assaulted the Bajrangi Lal Khatri causing head injury except this there is general and omnibus allegation against the petitioner. Injury of Bajrangi Lal Khatri is simple in nature and there is no repetition of blow on vital body. He further submits that there is specific allegation against co-accused, namely, Deepak Kumar Singh, who assaulted with falsa on Jeetan Prasad Khatri causing head injury and during treatment he died and the postmortem report of Jeetan Prasad Khatri shows cause of death due to head injury. He further submits that no incriminating articles has been recovered from the conscious possession of the petitioner. He further submits that the petitioner is in custody since 16.06.2021



and the petitioner bears criminal antecedent of one case in which he has granted Anticipatory bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering the evidence.

The learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view allegation against petitioner who assaulted the injured Bajrangi Lal Khatri and the injury of Bajrangi Lal Khatri is of simple in nature and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Aurangabad (Bihar) in connection with Barun P.S. Case No. 143/2021 in Sessions Trial No. 197/2021 / 213/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain



present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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