

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5510 of 2022

Arising Out of PS. Case No.-45 Year-2016 Thana- KUNAU LI District- Supaul

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Khelan Mehta Son Of Sri Fudai Mehta R/O Village- Bathnaha, P.S.- Kunauli,
District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate.
For the Opposite Party/s : Mr. Manoj Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-10-2022 Learned counsel for the petitioner is permitted to re-

move the defect(s), as pointed out by the office, within a period

of four weeks from today.

Heard Mr. Amrit Abhijat, learned counsel for the peti-
tioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kunauli P.S. Case No. 45 of 2016, for the
offences punishable under Sections 307, 326, 323, 341, 147,
148, 149 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case is based on the fardbayan of the
informant alleging therein that on 06.11.2016, while he was
standing in front of his house, in the meantime five persons
came there and this petitioner fired upon him, causing fire arms



injury on his back side. When informant tried to escape, there-upon co-accused Durga Mehta fired upon him but the bullet did not hit him. It is also alleged that earlier the accused persons have also killed his elder brother and further attempted to kill his younger brother Pramod Yadav.

It is submitted by the learned counsel appearing on behalf of the petitioner that though from the FIR, it would be evident that specific allegation of firing has been leveled against the petitioner, however, in the further statement the informant, he has categorically stated that it is Durga Mehta, who fired upon him causing firearm injury on his back and the version of the informant has also been supported by his father, mother and brother, whose statement have been recorded in Paragraphs No. 31, 32 and 33 of the case diary. He further submitted that from the FIR, it is also evident that there is long drawn animosity between both the family members and so far as the other criminal cases pending against the petitioner are concerned, these are also an outcome of enmity. He last submitted that now the petitioner is in custody since 01.05.2021 and after completion of the investigation charge-sheet has been submitted much earlier.

On the other hand learned APP for the State vehemently opposes the bail application and submitted that specific



allegation has been leveled against the petitioner of firing and he is also found involved in other three criminal cases.

Regard being had to the submissions made on behalf of the parties and considering the further statement of the informant as well as the statement of the father, mother and brother of the informant, who categorically stated that it is Durga Mehta, who fired upon the informant causing firearm injury on his back, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Mr. Bibhuti Bhushan, learned Judicial Magistrate, 1st Class, Birpur, District- Supaul, in connection with Kunauli P.S. Case No. 45 of 2016, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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