

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12467 of 2022

Arising Out of PS. Case No.-242 Year-2020 Thana- SALAKHUA District- Saharsa

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PRADEEP MEHTA @ PRADEEP KUMAR MEHTA SON OF LATE LALO
MEHTA R/O VILLAGE- AMBADIH, P.S.- SALKHUA, DISTRICT-
SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Kumar
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh
For the Informant	:	Mr. Patanjali Rishi, Advocate
		Mr. Akash Deep, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Salkhua
P.S. Case No. 242 of 2020 registered for the offence under
Sections 341, 323, 325, 504, 506, 34 of the Indian Penal Code
and subsequently added Section 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.10.2021.

The allegation against the petitioner is to commit the
murder of cousin brother of the informant due to previous land



disputes.

Learned counsel appearing on behalf of the petitioner submitted that initially the case was registered under Section 341, 323, 325, 304, 504, 506 and 34 of the Indian Penal Code and petitioner was granted bail by the court below, but subsequently after death of the injured, Section 302 of the Indian Penal Code added, consequently, the bail granted by the court below was canceled. It has further been submitted that there is no allegation as regard to assault against the petitioner and the accusation is limited only to cut a branch of mango tree. It has further been submitted that co-accused having serious allegations of active participation in alleged assault causing death of the cousin brother of informant has already been granted bail through Cr. Misc. No. 39624 of 2022 dated 19.01.2022. It has further been submitted that the petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that from bare perusal of FIR, it appears that the allegation against the petitioner is limited to cut a branch of



mango tree.

Considering the facts and circumstances as mentioned above, as there is no allegation as regard to assault against the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Salkhua P.S. Case No. 242 of 2020 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 Chief Judicial Magistrate-IV, Saharsa/concerned court subject to the following conditions:

“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Ravindra Kumar Ravi, who is the father-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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