

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1500 of 2022

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

1. BABLU MEHTA S/o Murari Mehta Resident of Village- Bajraha, P.S.- Alamnagar, District- Madhepura.
2. Raja Mehta S/o Basant @ Prasun Kumar Mehta @ Basant Mehta Resident of Village- Pidari, P.S.- Inarwa, District- West Champaran.
3. Golu Mehta S/o Murlidhar Mehta Resident of Village- Bajraha, P.S.- Alamnagar, District- Madhepura.
4. Nishant Mehta S/o Basant @ Prasun Kumar Mehta @ Basant Mehta Resident of Village- Bajraha, P.S.- Alamnagar, District- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Reeta Devi wif of Late Pankaj Rajank, resident of village Bajraha, P.S. Alamnagar, District-Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Viveka Nandsingh
For the Respondent/s	:	Mr.Binay Krishna
For the Informant	:	Mr. Surya Narayan Yadav

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 26-09-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants, learned Spl. P.P. for the State and the learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 30.03.2022 in connection with Alamnagar P.S.Case No. 104 of 2020,



registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code and Section 27 of Arms Act and subsequently Sections 3 (i) (r) (s) of SC and ST (Prevention of Atrocities) Act were added, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per FIR, when the informant Reeta Devi was preparing meal in her house, her son Raju Kumar aged about eight years came there running and apprised his mother that his father Pankaj Rajak was lying on the road. The informant rushed there and saw the dead-body of her husband. There was perforation on temporal region of the dead-body. The informant had previous dispute with co-accused Anishek Mehta. The reason behind the dispute was that her husband had purchased two bighas of land from one Ashok Yadav. Anishek Mehta and his family members and relatives were attempting to dispossess the deceased from his land. The FIR named accused persons including the appellants committed murder of the deceased by firing shot.

The learned counsel for the appellants has submitted that Ashok Yadav from whom the alleged land is said to be purchased by the deceased has been implicated by co-accused Suresh Mehta in murder case and the trial of that case is going



on. He has submitted further that the investigating authority did not find complicity of the appellants and submitted final form against them. He has also submitted that there is no eye-witness in this case.

On the other hand, learned counsel for the informant submitted that the complicity of Ashok Yadav has not been found in that murder case which is reflected in paragraph no. 45 of the case diary. He has submitted further that ignoring the material available with the record, the investigating authority submitted final form and differing with the opinion of the investigating authority the learned Magistrate has taken cognizance.

The land dispute is admitted. The informant Reeta Devi and witnesses have supported the occurrence. As per statement of Reeta Devi, her husband was shot dead by the accused persons including the appellants. The cognizance has been taken against all the appellants and other accused persons have been granted regular bail.

Considering the facts and circumstances, the appellants do not deserve the privilege of anticipatory bail. Their prayer for anticipatory bail is hereby rejected.

The appellants are directed to surrender in the court



below and make a prayer for regular bail which shall be disposed of by the court below on its own merit without being prejudiced by this order. The learned court below may take notice of the fact that other accused persons have been granted regular bail and if the case of the appellants is on better footing than those who have been granted regular bail by this Court, I do not see any reason as to why the same privilege should not be extended to the appellants. The regular bail petition of the appellants so filed shall be disposed of as expeditiously as possible.

Office shall ensure that all the defects are removed by the appellant within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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