

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27291 of 2022

Arising Out of PS. Case No.-310 Year-2019 Thana- CHAUSA District- Madhepura

1. GHOGHAN MEHTA S/o- Late Balo Mehta @ Late Nago Mehta Resident of Village - Phulaut (West), P.S. - Chausa (Phulaut O.P.), District - Madhepura.
2. Bhavesh mehta S/o- Late Vishundev Mehta Resident of Village - Phulaut (West), P.S. - Chausa (Phulaut O.P.), District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioners and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioners are in judicial custody in connection with Chausa (Phulaut O.P.) P.S. Case No. 310 of 2019 for the offences under Sections 364/34 of the Indian Penal Code.

As per the FIR, the informant has alleged that his daughter minor and student of Class-X was taken away by the accused persons and he has every reason to believe that she has been killed. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submits that they



have nothing to do with the case and actually the mother had seen Vikash Mehta in the room of her daughter after which the petitioners herein were requested by her to come and scold her. After her disappearance, the accused persons including the petitioners herein have been implicated. He lastly submits that while the petitioner no. 1 is in jail since 20.09.2021 and petitioner no. 2 is from 25.09.2021.

Considering the fact that the allegations have been made only on suspicion and the petitioners have already been in custody since 20.09.2021 and 25.09.2021, both of them have no criminal antecedent and charge sheet stands submitted, this Court is inclined to grant them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Udakishunganj, Madhepura in connection with Chausa (Phulaut O.P) P.S. Case No. 310 of 2019, subject to the following conditions:-

- (i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;
- (ii) the petitioners shall appear on each and every



date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every fortnight for next six months to mark their presence;

(iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

However, it is made clear that if it is found that the petitioners have criminal antecedent, the bail granted to the petitioners shall become infructuous.

(Rajiv Roy, J)

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