

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43627 of 2021**

Arising Out of PS. Case No.-44 Year-2019 Thana- SHRI NAGAR District- Madhepura

NARAYAN MEHTA Son of Late Asharfi Mehta Resident of Village -  
Laxmipur Bhawati (Bhagwati), Ward No. 11, Mehta Tola, P.S.- Srinagar,  
District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      02-02-2022                      Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the  
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the  
complete start of the physical Court in normal course.

Petitioner, who is in custody since 24.02.2021, seeks  
regular bail in connection with Srinagar P.S. Case No. 44 of  
2019 registered for offences punishable under Sections 147,  
148, 149, 341, 323, 324, 325, 307, 379 and 302 of the Indian  
Penal Code.

Prosecution case, in brief, is that on a dispute  
regarding construction of a hut, the accused persons assaulted  
the father and family members of the informant due to which  
they sustained injuries.



Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. General and omnibus allegation against the petitioner. No specific overt act is alleged against the petitioner. There is case and counter case between the parties. He further submits that petitioner has no criminal antecedent and he is in custody since 24.02.2021. Two co-accused namely, Mithilesh Mehta and Rajendra Mehta have already been enlarged on anticipatory bail vide order dated 22.03.2021 passed in Cr. Misc. No. 34307 of 2020. He further submits that there was no question of apprehension and as such the petitioner could not surrender before the Court below.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that there is direct allegation against the petitioner who has assaulted the victim who had died while he was being taken to the hospital.

Considering the above mentioned facts and circumstances of the case, the petitioner is named in the F.I.R. however, there is general and omnibus allegation against all the accused persons, nothing specific has been alleged against the petitioner that he has assaulted the victim who had died while being taken to the hospital in the way, the petitioner has clean



antecedent, petitioner has made out a case of parity as another co-accused persons having similar allegation have already been enlarged on bail against whom there is similar allegation in the F.I.R., there is no allegation of tampering the evidence or influencing the witnesses and trial is not likely to concluded soon due to Covid-19 pandemic, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Madhepura in connection with Srinagar P.S. Case No. 44 of 2019 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Purnendu Singh, J)**

Niraj/-

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