

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41326 of 2021

Arising Out of PS. Case No.-1044 Year-2020 Thana- FORBESGANJ District- Araria

1. ROOP CHAND MEHTA S/o Dhotan Mehta R/o Dak Hari Pur, P.S.- Forbisganj, District- Araria.
2. Shekhar Mehta R/o Dak Hari Pur, P.S.- Forbisganj, District- Araria.
3. Suren Mehta @ Surendra Mahta R/o - Beri Mushari, P.S.- Forbisganj, District- Araria.
4. Lalit Mehta R/o Beri Mushari, P.S.- Forbisganj, District- Araria.
5. Ghotan Mehta S/o Late Fatkan Mehta R/o Dak Hari Pur, P.S.- Forbisganj, District- Araria.
6. Dinesh Mehta S/o Late Fatkan Mehta R/o Dak Hari Pur, P.S.- Forbisganj, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48949 of 2021

Arising Out of PS. Case No.-1044 Year-2020 Thana- FORBESGANJ District- Araria

PANKAJ MEHTA Son of Late Prasadi Mehta Resident of Village - Dak Haripur, Ward No.13, P.s.- Forbesganj, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41326 of 2021)

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 48949 of 2021)

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 11-04-2022 Heard learned counsel appearing on behalf of
petitioners and learned A.P.P. for the State.

Both the aforesaid applications arise out of the



Forbisganj P.S. Case No. 1044 of 2020 registered for the offence punishable under Sections 147, 148, 149, 323, 324, 302, 379 of the Indian Penal Code. Therefore, both the aforesaid applications have been heard together and are being disposed of by this common order.

The prosecution case, in brief, is that the husband of informant has been brutally murdered by the petitioners and other accused persons named in the F.I.R. There is specific allegation against Roopchand Mehta (Petitioner No.1 in Criminal Miscellaneous No. 41326 of 2021) and Pankaj Mehta (petitioner in Criminal Miscellaneous No. 48949 of 2021) along with others that they had tied the informant and killed her husband. The Postmortem report as well as the independent witnesses have also supported the allegation made in the F.I.R.

Learned counsel appearing on behalf of the petitioners submits that petitioners No. 2 to 6 of Criminal Miscellaneous No. 41326 of 2021 are co-villagers and they have no concerned, in any manner, with the informant or with the co-accused Rupchand Mehta and Pankaj Mehta against whom there is direct allegation of inimical relationship between the informant and the husband of informant. So far as the aforesaid petitioners are concerned, there is general and omnibus allegation against them. The other co-accused namely Bablu Mehta @ Bablu Kumar



Mehta @ Bablu Kumar, Chotu Mehta @ Chhotu Kumar Mehta and Jiwanand Paswan have already been released on bail by this Court vide order dated 10.03.2022 passed in Criminal Miscellaneous No. 43688 of 2021 and vide order dated 03.03.2022 passed in Criminal Miscellaneous No. 43396 of 2021, respectively.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners.

Considering the aforementioned facts and circumstances of the case, the petitioner Nos. 2, 3, 4, 5 and 6 namely, Shekhar Mehta, Suren Mehta @ Surendra Mehta, Lalit Mehta, Ghotan Mehta and Dinesh Mehta, respectively, of Criminal Miscellaneous No. 41326 of 2021, are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 1044 of 2020, subject to the following conditions:-

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

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



(3) If the petitioners tamper 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 petitioners.

(4) If the petitioners are found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

So far as petitioner No.1 Roop Chand Mehta (petitioner in Criminal Miscellaneous No. 41326 of 2021) and Pankaj Mehta (petitioner in Criminal Miscellaneous No. 48949 of 2021) are concerned, considering the above facts and circumstances of the case and nature of allegation and the fact that there is direct allegation against the petitioners, namely, Roop Chand Mehta and Pankaj Mehta of having committed murder of husband of informant, I am not inclined to enlarge the petitioner No.1 Roop Chand Mehta (petitioner in Criminal Miscellaneous No. 41326 of 2021) and Pankaj Mehta (petitioner in Criminal Miscellaneous No. 48949 of 2021) on bail. Accordingly, the prayer for grant of bail to the aforesaid petitioners is **rejected**.

(Purnendu Singh, J)

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