

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51722 of 2021**

Arising Out of PS. Case No.-67 Year-2021 Thana- BENIPATTI District- Madhubani

Shobha Kant Mehta Son Of Late Indradev Mehta Resident Of Village-  
Tyonth, P.S.- Banipatti, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                        |   |                                         |
|------------------------|---|-----------------------------------------|
| For the Petitioner     | : | Mr. Shivam, Advocate                    |
| For the Opposite Party | : | Mr. Manoj Kumar, Addl Public Prosecutor |
| For the informant      | : | Miss Kusum Rani, Advocate               |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      25-01-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State as well as learned counsel for the informant.

Petitioner seeks regular bail in connection with  
Benipatti P.S. Case No.67 of 2021 registered for the offences  
punishable under Sections 147, 148, 149, 341, 323, 324, 325,  
326, 307, 302 and 120(B) of the Indian Penal Code and Section  
27 of the Arms Act.

As per the FIR, this petitioner and other accused  
persons participated in a meeting held at the house of his co-  
villager Ashok singh and prepared the planing and collected the  
arms to be used in the occurrence.



Learned counsel for the petitioner submits that at best petitioner is alleged to have participated in the meeting held before the occurrence in which planning for committing the offence was hatched out and required arms were gathered. However, even in the FIR, petitioner has neither been alleged to be present at the place of occurrence nor any overt act regarding assault on the deceased or the injured persons, has been alleged against him. Petitioner has got clean antecedent and he is in custody since 30.3.2021. Similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court vide order dated 12.1.2022, passed in Cr.Misc.No. 50748/2021.

Learned counsel for the informant and the State opposed the prayer for bail of the petitioner. They submit that there is specific allegation that petitioner and other co-accused accused persons in a planned conspiracy collected arms and killed five persons of the informant side.

Considering the rival submissions of the parties and the materials available on the record, prayer for bail of the petitioner is allowed. Let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge V, Madhubani in



Benipatti Police Station Case No. 67 of 2021.

**(Prabhat Kumar Singh, J)**

Shashi

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