

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57841 of 2021

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

Dev Narayan Mehta Son of Late Jhameli Mehta Resident of Dak Harupur,
Ward No. 13, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Forbesganj P.S. Case No. 1044 of 2020 for the offences punishable under Sections 147, 148, 149, 323, 324, 302, 379 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 30.12.2020 at about 10 am, while the informant was going to market with her husband on a motorcycle, in the meantime, all the 18 FIR named accused persons including the petitioner and 10 unknown persons surrounded him and



two of the accused tied the informant's hand with rope and other armed with deadly weapons assaulted her husband and inflicted several injuries resulting into his death.

Learned counsel for the petitioner submits that there is general and omnibus allegation against all the 18 accused persons and 10 unknown persons and no specific overt act has been attributed against the petitioner. It is further submitted that there is a land disputed between both the parties and they are Gotiyas and as such the name of all the family members and their close relatives have been implicated in this case, moreover, the petitioner having fair antecedent himself surrendered on 11.01.2021 and since then he is in custody.

On the other hand, learned counsel for the State opposed the bail application and submits that all the accused persons including the petitioner in furtherance of common intention assaulted the husband of the informant resulting into his death.

Regard being had to the submissions of the parties and considering the general and omnibus nature of allegation against all the accused persons, apart from the



period of incarceration and fair antecedent of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with forbesganj P.S.Case No. 1044 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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