

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71001 of 2021

Arising Out of PS. Case No.-276 Year-2019 Thana- SINGHESHWAR District- Madhepura

1. Kari Mehta, Son of Baijnath Mehta,
 2. Chandan Mehta, Son of Maheshwari Mehta
- Both are resident of Village - Patori Tola Tahwala, Ward No.6, P.S.- Singheshwar, Distt.- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Dr. M.K. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-07-2022 This application has been listed under the heading
‘For Orders’.

Registry has pointed out several defects in the
present application.

Mr. Sanjay Kumar, learned counsel for the
petitioners submitted that the defects are mainly because only e-
filing of applications are permitted by the Court. He submitted
that defects can be removed only if filing of hard copy is
permitted. He undertook that even if the applications are heard
and disposed of on merit in due course of time when the Court
would permit filing of hard copy, the defects pointed out by the
registry would be removed.

In view of the above submissions made by the



learned counsel for the petitioners, with consent of the parties, the application has been taken up for hearing on merit.

The petitioners seek pre-arrest bail in connection with Singheshwar P.S. Case No.276 of 2019 registered for the offences punishable under Sections 147, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that because of a she-goat having strayed in the field of the informant, an occurrence took place in which both sides had sustained injuries. There is counter version of the occurrence as well. Two persons are said to have received injuries in the assault but, the same cannot specifically be attributed to the petitioners. One of the co-accused Vaijanath Mehta @ Vaijnath Mehta @ Baijnath Mehta had also sustained injuries from the side of the petitioner. He further contended that three other co-accused having identical allegations, namely, Vaijanath Mehta @ Vaijnath Mehta @ Baijnath Mehta, Maheshwari Mehta and Aman Kumar @ Uday Mehta have already been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 08.04.2021 passed in Cr. Misc. No.37467 of 2020.

Learned counsel for the State opposed the



application for grant of pre-arrest bail to the petitioners. However, he does not contradict the fact that three other co-accused being similarly situated to that of the petitioners have already been granted pre-arrest bail.

Considering the submissions made above, specially, the fact that three other co-accused have already been granted pre-arrest bail, the petitioners whose case are identically situated, are directed to be released on bail in the event of their arrest or surrender in the court below on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No.276 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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