

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7464 of 2022

Arising Out of PS. Case No.-274 Year-2021 Thana- DHAMDHAHA District- Purnia

1. BINOD MEHTA SON OF LATE MAHENDRA MEHTA Resident of Village - Chandrahi, P.s.- Dhamdaha, Distt.- Purnea.
2. Vijay Mehta @ Vijay Kumar Mehta @ Pintu Son of Ambika Mehta Resident of Village - Chandrahi, P.s.- Dhamdaha, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Adv.
Mr. Praveen Kumar Agarwal, Adv.
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-01-2023 Heard the learned counsel for the petitioners and the learned APP for the State, Sri Tapeswar Sharma.

The petitioners seek regular bail in connection with Dhamdaha P.S. Case No. 274 of 2021, registered for the offence punishable under Sections 324, 307/34 of the Indian Penal Code, Section 27 of the Arms Act and later on, Section 302 of the Indian Penal Code was added.

The case of the prosecution, in brief, is that



on 30.11.2021 at about 18:45 hours, the informant came to know from the villagers that Banarsi Mehta has been shot by two motorcycle borne persons, whereafter he has been admitted in a hospital in an injured condition. The informant had then informed the police station and reached at the place of occurrence and had found the said information to be correct. The police is stated to have tried to contact the family members of the injured person, namely, Banarsi Mehta, on several occasions to record their statement, however, they could not succeed. It is further alleged that information was collected secretly from the villagers and it transpired that on the fateful day, Banarsi Mehta had gone near Chandni Chowk on 2-3 occasions in connection with measurement of the land in question and on account of land dispute, the alleged occurrence had taken place. The said Banarsi Mehta is stated to have succumbed to his injuries, subsequently.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they



have been falsely implicated in the present case, they are having a clean antecedent and they are languishing in custody since 18.12.2021. The learned counsel for the petitioners has submitted that as far as the petitioners are concerned, neither they have been alleged to have fired gunshots on the deceased nor any material has transpired during the course of investigation so as to connect them with the alleged occurrence and in fact, in the supervision note, the police has also not found them to be having any complicity in the alleged crime. However, it is fairly submitted that the only material against them is that the wife of the deceased, namely, Savitri Devi, has filed a written application belatedly on 17.12.2021, although the date of occurrence is 30.11.2021, wherein she has stated that she had seen the petitioners fleeing away with pistol in their hand, nonetheless, it is submitted that she is not an eye-witness to the actual killing of her husband.

Per contra, the learned APP for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that during the course of investigation, the police has found that the co-accused person, namely, Maniklal Mehta, is the person, who is responsible for the alleged occurrence, however, as far as the petitioners are concerned, the police has not found their complicity in the incident in question, hence, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Purnea in connection with Dhamdaha P.S. Case No.



274 of 2021.

(Mohit Kumar Shah, J)

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