

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17773 of 2023

Arising Out of PS. Case No.-291 Year-2021 Thana- CHHATAPUR District- Supaul

BIJENDRA MEHTA @ VIJAY MEHTA S/O JANARDAN MEHTA Resident
of Village- Sohta Shahpur, Ward No.- 6, P.S.- Chhatapur, District- Saoual

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2023 On call prayer for adjournment has been made by the
learned counsel for the petitioner. Learned APP is present.

The petitioner apprehends his arrest in connection
with Chhatapur P.S. Case No.291 of 2021 instituted under
Sections 341, 447, 448, 323, 324, 307, 325, 354A, 379, 427,
504, 506/34 of the IPC lodged on 20.08.2021 by the informant
Suresh Kumar Suman.

As per the prosecution story, informant submitted a
written statement before the S.H.O, Chhatapur alleging therein
that on 19-8-2021 at about 8 O'clock, his father was harvesting
Patua crop on his private land when petitioner along with 13
accused persons came, Shyam Mehta told his father that the



land belongs to them and objected to his cutting of Patua. He thereafter ordered to kill whereafter Bijendra Mehta assaulted with stick.

He further alleged that all accused persons began to assault his father and in the process, Shyam Mehta assaulted on his head by 'Farsa' while Anrudh Mehta assaulted him by Iron Rod. He further alleged that when her mother came to save his father, Ramesh Mehta and Lakhan Mehta assaulted her and Lakhan Mehta tried to outrage her modesty. On protest Ramesh Mehta attacked with an iron rod and injured by breaking his back bone. He further alleged that all accused entered into his house and broke open box and took away Rs.48,000/- and some jewelry. On alarm, the people from nearby came and took the injured to hospital for treatment. Accordingly, the FIR.

Taking into account that it is a matter of case and counter case, specific allegation is against Shyam Mehta and others, the petitioner do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two



sureties of the like amount each in connection with Chhatapur P.S. Case No.291 of 2021 to the satisfaction of learned Judicial Magistrate, Ist Class, Supaul, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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