

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36769 of 2022**

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

MANIKLAL MEHTA Son of Late Keso Mehta Resident of Village -  
Chandrahi, P.S.- Dhamdaha, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      02-01-2023      Heard the learned counsel for the petitioner  
and the learned APP for the State, Sri Tapeswar  
Sharma.

The petitioner seeks 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 petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 12.3.2021. The learned counsel for the petitioner has further



submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. It is also submitted that there is no eye-witness to the alleged occurrence and as far as the petitioner is concerned, he is having no motive so as to commit the alleged occurrence. It is also submitted that though the incident in question had occurred on 30.11.2021, however, FIR has been filed belatedly on 4.12.2021 and as far as the wife of the deceased is concerned, she has given a written application only on 17.12.2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted, by referring to the materials available in the case diary, especially the supervision note of the Sub-Divisional Police Officer, Dhamdaha that ample materials have been collected during the course of investigation to show the complicity of the petitioner in the alleged occurrence, who was having land dispute with the deceased and on account of him being harassed by the



deceased, he had hatched a conspiracy to kill the deceased, whereafter, the alleged occurrence had been carried out and the deceased Banarsi Mehta was shot at.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the material available in the case diary, apart from the supervision note of the Sub-Divisional Police Officer, Dhamdaha dated 12.3.2022, this Court finds that the complicity of the petitioner in the alleged crime is writ large from the records and he is the person responsible for hatching conspiracy to eliminate the deceased, thus, I do not find any merit in the present petition, hence, the same stands dismissed.

**(Mohit Kumar Shah, J)**

Ajay/-

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