

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54748 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- MALI District- Aurangabad

Kundan Mehta S/O Lalan Mahto R/O Village- Itwa, Ps. Mali, Dist. Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s :	Ms. Asha Devi, APP
For the Informant :	Mr. Dhananjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

2. Petitioner seeks bail who is in custody since 10.07.2023 in connection with Mali P.S. Case No. 43 of 2023 , F.I.R. dated 07.05.2023 for the offences punishable under Sections 341,323,337,338,307,504,506/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

3. According to prosecution case, the accused persons used bricks and stones to thrash the informant's side causing injury to his son, Vijay Singh @ Munna Singh. Specific allegation has been made against named accused persons. So far as this petitioner is concerned, allegation is that he also came



and abused/threatened the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel for the petitioner further submits that from a bare perusal of the FIR, it appears that there is no accusation of any assault or overt act attributed against the petitioner and there is general and omnibus allegation against all the accused persons including the petitioner that they have assaulted the son of the informant. He further submits that similarly situated, co-accused, namely, Balwant Mehta @ Balwant Kumar Mehta has been granted bail by this Court vide order dated 31.08.2023 passed in Cr. Misc. No. 55307 of 2023, another co-accused person namely, Sashibhushan Singh has been granted bail by order dated 05.09.2023 passed in Cr. Misc. No. 58666 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.07.2023.

5. The learned Additional Public Prosecutor as well as learned counsel appearing on behalf of the informant vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the FIR, it appears that the



petitioner was involved in the present crime and also assaulted the son of the informant but fairly submits that co-accused persons, namely, Mithlesh Mehta, Sudhir Mehta and Dinesh Mehta against whom the same allegations have been rejected by the co-ordinate Bench of this Court vide order dated 30.08.2023 in Cr. Misc. No.56571 of 2023.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Mali P.S. Case No. 43 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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