

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58300 of 2022

Arising Out of PS. Case No.-1044 Year-2020 Thana- FORBESGANJ District- Araria

Vikram Mehta @ Vikram Pd. Mehta @ Vikram Prasad Mehta Son Of Ghotan
Mehta Resident Of Village - Haripur Dak, Ward No.- 13, P.S.- Forbesganj,
District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59374 of 2022

Arising Out of PS. Case No.-1044 Year-2020 Thana- FORBESGANJ District- Araria

Rakesh Mehta @ Rakesh Kumar S/O Dinesh Kumar R/V- Haripur Dak, Ward
No. 13, P.S.- Forbesganj, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58300 of 2022)

For the Petitioner/s : Mr.Anil Prasad Singh, Adv

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 59374 of 2022)

For the Petitioner/s : Mr.Anil Prasad Singh, Adv

For the Opposite Party/s : Mrs.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in
connection with Forbesganj P.S Case No. 1044 of 2020 for the
offence registered under sections 147, 148, 149, 323, 324, 302,
379 of the Indian Penal Code.



As per the prosecution story, the wife of the informant was riding on a motorcycle with her husband to Forbesganj and it is alleged that FIR named accuseds including the petitioner Vikram Mehta, who is brother of main accused Rupchand Mehta intercepted them and after some against indiscriminately assaulted her husband who succumbed to the injuries.

Learned counsel for the petitioner submits that although Vikram Mehta is named in the case there is land dispute between the parties and there is omnibus allegation against him so far as Rakesh Mehta is concerned, he is a co-villager and have nothing to do in the present crime and has unnecessarily been dragged. It is his categorical statement in Paragraph-10 that the petitioner and his family members have no concern with Rupchand Mehta.

Learned APP opposes the prayer for bail of the petitioner.

Considering the kind of allegation that has come against the petitioner, in Cr. Misc. No. 5800 of 2022 (Vikram Mehta@ Vikram Pd. Mehta) certainly it is not a fit case for grant of anticipatory bail. So far as Cr. Misc. No. 59374 of 2022 is concerned, he is a co-villager, do not have criminal



antecedent and as per para-10 of the petitioner, petitioner has no relationship between the Rupchand Mehta, this court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 1044 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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 their 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 his



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 their bail bonds.

(Rajiv Roy, J)

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