

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16191 of 2024

Arising Out of PS. Case No.-181 Year-2023 Thana- CHAUSA District- Madhepura

GAUTAM MEHTA Son of Late Umakant Mehta Resident of Village-Chausa
West, Ward No. 04, P.S.-Chausa, District-Madhepura (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Anand

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 16-05-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 379, 504, 506 and 34 of the Indian Penal Code and added
Section 302 of the I.P.C.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant. It is next
submitted that on 3-7-2023 at 9:00 am, while her husband was
going out after opening the gate, when petitioner and Binod
Mehta prevented him from using the way, on account of which
an altercation took place and thereafter petitioner dashed her
husband on the ground and assaulted with *lathi* and when she



came to save her husband, accused Binod Mehta dashed her on ground by catching hold of her hair, on account of which she became naked and Binod Mehta took out silver and golden chain of the informant. It is also alleged that her husband was brutally assaulted by lathi, rod, kicks and fists on account of which he became unconscious.

4. The learned counsel for the petitioner submits that petitioner is a practising advocate at Civil Court, Udaykishunganj as would manifest from his certificate as annexed in the supplementary affidavit. It is further submitted that from perusal of allegation as alleged in the FIR, it would manifest that informant alleges that there was a dispute in between the petitioner and the informant side with regard to using of passage, on account of which an altercation took place and the petitioner is allege to have assaulted her husband by *lathi* causing injury on his head.

5. The learned counsel for the petitioner submits that since the petitioner is an advocate as such he has been falsely implicated in the instant case so that he is not in a position to pursue the case of his brother Binod Mehta @ Binod Kulkarni. It is further submitted that in the FIR, it is alleged that the petitioner assaulted her husband by *lathi* causing injury on head



but from perusal of her statement as recorded in the case-diary at para-4 and 18, it would manifest that informant has given a different version of the story and in her statement before the police as recorded at para-4 and 18 does not allege that it was the petitioner, who assaulted her husband leading to his death during the course of treatment rather alleges that it was Binod Kulkarni, who assaulted her husband by an iron rod on head causing injury on the instigation of the petitioner and others.

6. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, opposes the prayer for anticipatory bail of the petitioner and submits that no doubt petitioner is a practising advocate but then a person has been killed, but then fairly submits that informant in her re-statement and subsequent statement recorded by the police has not alleged that petitioner assaulted her husband but then submits that investigation is in its nascent phase and in the event if the privilege of anticipatory bail is granted to the petitioner in that event he may abscond.

7. The learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the investigation.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chausa P.S. Case No. 181 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. One of the bailers of the petitioner shall be his brother-in-law, Sakaldev Mehta.

10. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this court, is not cooperating in the investigation or is not presenting himself when required, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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