

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25628 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- KADWA District- Katihar

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1. Dinesh Pd. Mehta @ Dinesh Prasad Mehta
 2. Naresh Mehta @ Naresh Pd. Mehta Son Of Late Kare Lal Mehta
 3. Vikesh Kumar @ Bikesh Kumar Son Of Dinesh Pd. Mehta @ Dinesh Prasad Mehta.
All Resident Of Village - Mahammadpur, P.S. - Kadwa, District - Katihar,
Pin - 855105

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 After some arguments, learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner No.2, namely, Naresh Mehta @ Naresh Pd. Mehta with liberty to him to surrender before the learned court below within a period of four weeks from today and seek regular bail.

2. Permission is accorded.

3. The application is dismissed as withdrawn as not pressed with the liberty that petitioner No.2, namely, Naresh Mehta @ Naresh Pd. Mehta surrenders and seeks regular bail before the learned court below, the same shall be considered on



the same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.

4. Heard Mr.Praveen Kumar, learned counsel for the petitioners (except petitioner No.2 namely, Naresh Mehta @ Naresh Pd. Mehta) and Mr.Upendra Kumar, learned Additional Public Prosecutor for the State.

5. The petitioners (except petitioner No.2 namely, Naresh Mehta @ Naresh Pd. Mehta) are apprehending their arrest in connection with Kadwa P.S.Case No.209 of 2023, FIR dated 18.09.2023 registered for the offences punishable under Sections 341,323,325,307,504,506,34 of the Indian Penal Code.

6. The prosecution case, in brief, is that on 18.09.2023 the accused persons named in the FIR alongwith other persons came into informant's house having deadly weapons and surrounded and assaulted him and his sons, who came to save him, they were also assaulted, due to which they sustained injuries.

7. Learned counsel for the petitioners submits that petitioner No.1 carries one more case other than the present one but he is on bail in the said case and petitioner No.3 has clean antecedent and they have falsely been implicated in the present



case. Further submits that from a bare perusal of the FIR it appears that the FIR is in two parts, in 1st part, there is general and omnibus allegation against all the accused persons including the petitioners and in 2nd part, there is specific allegation of assault is attributed against co-accused person, namely, Vikash Kumar and there is no specific allegation of any assault or overt-act is attributed against the petitioners (except petitioner No.2 namely, Naresh Mehta @ Naresh Pd. Mehta).

8. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners.

9. Considering the aforesaid facts, let the petitioners, above named (except petitioner No.2 namely, Naresh Mehta @ Naresh Pd. Mehta), in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Kadwa P.S. Case No.209 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



(I) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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)

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