

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30981 of 2024

Arising Out of PS. Case No.-104 Year-2023 Thana- MALI District- Aurangabad

1. Ramgati Mehta, aged about 65 years, Male, Son of Late Dukhi Mahto, Resident Of Village- Chilhaki Bigaha, P.S.- Amba, Dist- Aurangabad.
2. Arvind Mehta @ Arvind Kumar Mehta, aged about 34 years, Male, Son of Sri Ramgati Mehta, Resident of Village- Chilhaki Bigaha, P.S.- Amba, Dist- Aurangabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Brij Kishor Mishra, Advocate
For the Informant	:	M/S. Om Prakash Kumar and Soni Kumari, Advocates
For the State	:	Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 11-07-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Mali P.S. Case No. 104 of 2023 dated 11.11.2023 registered for the offences punishable under Sections 302, 120B/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have killed the informant's father under conspiracy.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in



the present case. It is submitted that from perusal of the F.I.R., it appears that the petitioners were not seen with the deceased when five co-accused persons came at his house and the deceased had gone with them. The names of the petitioners shown with the other co-accused persons who tried to grab his land and also tried to kill the family members earlier for which no case was lodged at any occasion against the petitioners. The occurrence took place on 10.11.2023 at 10.30 A.M. and the F.I.R. has been lodged on 11.10.2023 at 6.30 P.M. for which no explanation has been given by the prosecution. There is no specific allegation against the petitioners. No incriminating article has been recovered from the possession of the petitioners. It is further submitted that the petitioners have no concern with the alleged offence. The other co-accused Jitendra Mehta @ Jitendra Verma has been granted bail by a Bench of this Court vide Cr. Misc. No. 30251 of 2024 under order dated 30.04.2024. The petitioners have five criminal antecedents in which they are on bail as stated in paragraph no. 3 of the bail application as well as in paragraph no. 3 of the supplementary affidavit filed on behalf of the petitioners. The petitioners are in custody since 05.03.2024 and 30.01.2024 respectively.

5.Learned A.P.P. for the State and learned counsel for



the informant have opposed the prayer for bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad in connection with Mali P.S. Case No. 104 of 2023 with further conditions:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

(II) The learned court below shall verify the criminal antecedent of the petitioners and at any stage, if it is found that the petitioners have concealed their criminal antecedent, the learned 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 the purpose of or in the name
of verification.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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