

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44860 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- DHAMDAHA District- Purnia

Neero Mandal @ Nirmal Kumar Mandal Son of Sri Vijo Mandal @ Vijay Mandal Resident of village - Chandrahi, P.S.- Dhamdaha, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 49585 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- DHAMDAHA District- Purnia

Bechan Mehta SON OF LATE SITARAM MEHTA @ SITA RAM MEHTA VILLAGE- CHANDRAHI, WARD NO. 13, PS- DHAMDAHA, DIST- PURNIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 44860 of 2024)
For the Petitioner/s : Mr. Y.V.Giri, Sr. Advocate
Mr.Amit Anand
For the Informant Mr. Bijendra Kumar
For the State : Mr.Shailendra Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 49585 of 2024)
For the Petitioner/s : Mr. Y.V.Giri, Sr. Advocate
Mr.Devashish Giri
For the Opposite Party/s : Mr. Anand Kishroe Chaudhary, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

CAV ORDER

5 01-10-2024 I have already heard Mr. Y. V. Giri, the learned senior counsel for the petitioners and learned APP for the State, assisted by the learned counsel for the informant.

2. These are application for regular bail on behalf



of the petitioners for the offences alleged under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act, registered in connection with Dhamdaha P.S. Case No.74 of 2024.

3. The informant, Lalita Devi, lodged FIR, stating therein that seven named accused persons, including the petitioners, sent the petitioner, Bechan Mehta, to her house to call her husband and her husband Janak Lal Mehta went with him. The next morning, she came to know that her husband was shot dead. His dead-body was found dumped near Neerpur canal. The informant went there and informed the police station. The police came and seized the dead-body. It has been mentioned in the FIR that her husband had land disputes with the named accused persons, and it was the reason that her husband was killed by the accused persons named in the FIR.

4. Mr. Y. V. Giri, the learned senior counsel for the petitioners, has submitted that in the entire case diary, there is nothing against the petitioners, except the confessional statement/suspicion. On the basis of the confessional statement/suspicion, they have been made accused. The confessional statement of the petitioners are not leading to recovery, as such, it has no value in the eye of law. He has



submitted further that the motive for false implication of the petitioners is the previous land dispute, which is an admitted fact. He has also submitted that except suspicion/confessional statement, there is nothing against the petitioners and they have falsely been implicated only on the basis of suspicion/confessional statement.

5. On the other hand, the learned APP for the State, assisted by the learned counsel for the informant, has submitted that the petitioners, in their confessional statement, have categorically stated that co-accused Umesh Mehta and the petitioner Neero Mandal fired on the person of the deceased, to which the learned Sr. Counsel for the petitioners submits that the confessional statement has no probative value in the eye of law.

6. From perusal of para-72 of the case diary, it appear that the Investigating authority (SDPO) has mentioned in his supervision note that the deceased had previous enmity with co-accused Umesh Mehta, as the deceased had land dispute with him. The deceased had also some dispute with co-accused Munna Mehta since he (the deceased) had illicit relationship with the wife of Munna Mehta. The deceased had also grabbed the property of the petitioner Bechan Mehta and he had land



dispute with him.

7. It appears that there is land dispute between the petitioner Bechan Mehta and the deceased. From perusal of the case diary, it also appears that the deceased had land dispute with other co-accused persons as well. Except confessional statement/suspicion, there is nothing in the entire case diary against the petitioners. The confessional statement has no probative value in the eye of law.

8. Considering the above facts and circumstances, let the petitioners, above-named, 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 Judicial Magistrate 1st Class, Purnea in connection with Dhamdaha P.S.Case No. 74 of 2024, subject to the condition that the petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court

(Nawneet Kumar Pandey, J)

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