

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52695 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- MEHANDIGANJ District- Patna

1. Krishna Kumar Son of Rajendra Mehta R/o Village- Loha Ka Pool, Sampatchak, P.S.- Mehandiganj, District- Patna, Bihar
2. Rajvir Kumar Mehta Son of Rajendra Mehta R/o Village- Loha Ka Pool, Sampatchak, P.S.- Mehandiganj, District- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prince Kumar Mishra, Advocate Mr. Vikash Kumar Jha, Advocate
For the State	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-08-2024 Heard Mr. Prince Kumar Mishra, learned counsel

for the petitioners and Mr. Binod Kumar No.3, learned APP for

the State.

2. The petitioners apprehend their arrest in connection
with Mehandiganj P.S. Case No. 22 of 2024 dated 09.02.2024
registered for the offences punishable under Sections 307 and 34
of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution story, Gopal Mahto (informant)
stated that accused persons namely, Kanhai Mahto, his two
brothers namely, Krishna Kumar and Rajvir Kumar Mehta (the
petitioners), Ankit Kumar and Guddu Chaudhary had killed his
son for which a case is going on in the court and the accused



persons always pressurized him to withdraw the case or else they would kill him. On 01.02.2024 at 7:00 a.m. when the informant was on his way to his shop, Guddu Chaudhary and the petitioners fired indiscriminately at him which hit him in the left side of the back and exited his body after piercing him.

4. Learned counsel appearing for the petitioners submits that as per the FIR, the informant's son had been murdered earlier in which the brothers of the petitioners are accused and they are in judicial custody in the present time in connection with the said offence but the petitioners did not remain accused in the said murder of informant's son. Though, as per the FIR, the informant made the direct allegation against the petitioners but as per his allegation, the accused fired from behind and the shot hit on left side of his back which shows that the informant was not in a position to see the culprits and during investigation, the C.C.T.V. footage of the concerned camera installed near the place of occurrence was scanned by the police in which three persons were seen running and on that basis, one namely, Manish Kumar @ Manish Pagla was arrested by the police and the said Manish Kumar @ Manish Pagla accepted before the police to have committed the offence, so, in view of this disclosure or statement made by co-accused Manish Kumar



@ Manish Pagla, the petitioner were not involved in firing at the informant and the petitioners have been dragged mainly on account of the previous enmity existing between the informant's family and petitioners' family.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Heard both the sides and perused the FIR and the order impugned. Both the petitioners are named in the FIR and the informant claimed to have seen the petitioners as being the assailants and he has recorded his *fardbeyan* at P.M.C.H., Patna in injured condition and as per the C.C.T.V. footage three persons were seen fleeing from the place of occurrence just after the commission and further, the investigation is pending and also taking into account the fact that the informant's son was earlier murdered in which petitioners' brothers are accused, who are in jail, in my opinion, it is not a fit case for anticipatory bail to the petitioners. Accordingly, their prayer stands rejected.

(Shailendra Singh, J)

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