

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65387 of 2023

Arising Out of PS. Case No.-138 Year-2021 Thana- TRIVENIGANJ District- Supaul

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HIRENDRA KUMAR MEHTA @ DHIRENDRA MEHTA SON OF
BHUVNESHWAR MEHTA RESIDENT OF VILLAGE - MIRJAWA WARD
NO.12, POLICE STATION - TRIVENIGANJ, DISTRICT - SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta

For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 15-04-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 326,
307 and 34 of the Indian Penal Code read with Section 27
of the Arms Act.

3. Learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and has been
falsely implicated in the instant case by the informant. It is
next submitted that the informant who is wife of the
deceased alleges that in the night of 13.05.2021 at about
03:00 AM while her husband was sleeping in the house



along with her, when 3-4 unknown persons entered the house and fired at her husband causing injury on his head.

4. The learned counsel for the petitioner next submits that FIR was instituted against unknown and the husband of the informant died during the course of treatment. It is next submitted that petitioner came to be implicated in the *fardbeyan* of the son of the deceased whose *fardbeyan* was recorded at PMCH on 23.05.2021 as would be evident from Para 23 of the case diary wherein he alleged that his father was shot dead by Ajay Mehta, Ambika Mehta and the petitioner. The learned counsel next submits that it absolutely does not stand to reason that how the son of the deceased could have alleged that who were the assailants of his father when he was not even present at the place of occurrence, on the date of occurrence, it is next submitted that from perusal of Para 28 of the case diary, it would manifest that the same records a vivid description given by the son of the deceased wherein he has stated that at the time of the occurrence he was in Maharashtra and he was informed by his wife Rupam about the occurrence and on asking that who were the person involved, his wife said



that the accused were unknown. It is also submitted that subsequently the son of the deceased in his subsequent statement has stated that he came to know through villagers about the involvement of Ajay Mehta and Ambika Mehta and not of the petitioner. It is further submitted that the entire allegation hinges around suspicion and petitioner is a person with clean antecedent. It is next submitted that the petitioner will not abscond rather will co-operate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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. 10,000/- (Rupees Ten 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 Triveniganj P.S. Case No. 138 of 2021 subject to the conditions as laid down under Section 438 (2)



of the Cr.P.C.

7. 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 petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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