

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69952 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- ALAMNAGAR District- Madhepura

Akhilesh Mehta @ Prahlad Mehta S/o Ganga Mehta R/o vill - Mohanpur,
Nisf tola Patni, ward no. 10, P.S. - Bihariganj, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.

For the Opposite Party/s : Ms.Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 04-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Alamnagar (Ratwara O.P.) P.S. Case No. 166 of 2024 instituted
for the offences under Sections 302, 120B of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing
murder of the Informant's brother Mukesh Kumar Singh who
succumbed on the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of confessional statement of the co-accused Rohit Singh and, except confessional statement, there is nothing against the petitioner regarding his complicity in the alleged occurrence. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The specific allegation of firing is against the co-accused Rohit Singh, Jhaptu Singh, Manohar Singh and Bechan Singh who made firing upon the Informant's brother. The allegation of assaulting by means of Dabia, Gadasa is also not on the petitioner rather the same is on the other co-accused persons named in the F.I.R. The petitioner has no concern with the alleged occurrence. The petitioner has one criminal antecedent and is languishing in judicial custody since 30.06.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The Informant in his re-statement has fully supported the version made in the written report. The co-accused Rohit Singh in his confessional statement has confessed his guilt and has also disclosed the name of the petitioner of being involved in



the alleged occurrence. The postmortem report supports the prosecution case. Learned counsel for the State further submits that from Para-47 of the case diary, it appears that on the disclosures made by the co-accused Rohit Kumar, one country-made *Katta*, which was used in the alleged occurrence, has been recovered from the house of the petitioner. The I.O. after investigation has submitted charge-sheet against the petitioner under Sections 302, 120-B/34 of the I.P.C. & 27 of the Arms Act and, hence, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the gravity and nature of offence as also there being recovery of country-made *Katta* from the house of the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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