

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73882 of 2023

Arising Out of PS. Case No.-40 Year-2021 Thana- MEDNI CHAUKI District- Lakhisarai

Om Mahto @ Om Mehta @ Om Nandan Mehta S/O Shiv Nandan Mahto
Village- Abgil Rampur (Hussaina), Ps. Medni Chowki , Dist. Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Kumar Praveen, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 27-02-2024 Heard learned senior counsel for the petitioner,

learned APP for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in a case registered for the offence under Sections 302, 120B/34 of the Indian Penal Code.

3. As per the prosecution case, because of matrimonial dispute the deceased has been killed by the petitioner who is the brother-in-law of the deceased. The 1st wife and mother-in-law are also said to have accompanied the petitioner and they participated in the killing. The petitioner is in jail since 24.05.2023.

4. It has been argued by the learned senior counsel for the petitioner that though in the FIR the petitioner claims to



be the eyewitness but in the two CCTV footages, the petitioner has been seen travelling alone and the brother has not been found to be travelling with the petitioner. It has also been submitted that the incident is of 17.03.2021 in the evening but the FIR has been registered on 18.03.2021 at 12:30PM after the inquest was prepared and there was no explanation for such a long delay in registration of F.I.R.

5. Learned senior counsel for the petitioner further submits that the petitioner and his family have falsely been implicated because of matrimonial dispute of the sister of the petitioner. He further submits that deceased might have been killed by someone and the occurrence may not have been seen by informant but he claimed to be eyewitness and he has falsely implicated the petitioner and his family member. Learned senior counsel for the petitioner further submits that there is no eyewitness except the informant though the crime is said to have been committed in the evening when shops were open and the shop owners near the place of occurrence said that they did not hear any sound of gun fire and they have not witnessed the alleged crime.

6. Learned counsel for the informant has vehemently opposed the application for bail and has submitted



that informant is the eyewitness and the petitioner is the assailant of the deceased. He further submits that trial has started and one witness has been examined.

7. The learned counsel for the informant has also submitted that petitioner is accused in two more criminal cases.

8. The learned APP for the State has also opposed the prayer for bail.

9. I have considered the arguments of the parties.

10. Considering the fact that there is no eyewitness to the occurrence which has occurred at about 07:10PM and considering the fact that the petitioner was found travelling alone in two CCTV footages and also the fact that there is pendency of matrimonial dispute with the petitioner's sister, chances of false implication of the petitioner cannot be ruled out.

11. In view of above, this application is allowed.

12. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-1st-cum-Special Judge, SC/ST, Lakhisarai/concerned Court below in connection with Medni Chowki P.S. Case No. 40 of 2021 subject to



condition that:-

12(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on absence on two consecutive dates without sufficient reason, the bail bond shall be cancelled by the Court below.

(Sandeep Kumar, J)

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