

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80808 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- Balwahat District- Saharsa

Narayan Mehta @ Narendra Mehta Son of Kamleshwari Mahta Resident of
Village- Khojuchak, Ward No. 2, P.S.- Balwahat, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 82486 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- Balwahat District- Saharsa

Ramesh Mehta @ Bablu Mehta Son of Late Kamleshwari Mahta Resident of
Village- Khojuchak, Ward No. 2, P.S.- Balwahat, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 80808 of 2024)
For the Petitioner/s : Mr.Prem Kumar, Adv.
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP
(In CRIMINAL MISCELLANEOUS No. 82486 of 2024)
For the Petitioner/s : Mr.Prem Kumar, Adv.
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 22-03-2025 Heard Mr. Prem Kumar learned counsel for the

petitioners and Mr. Abhay Kumar Roy and Mr. Md.

Fahimuddin, learned APPs appearing for the State.

2. The petitioners apprehend their arrest in connection

with Balwahat P.S. Case No. 41/ 2024 dated 28.05.2024

registered for the offence(s) punishable under Section(s) 302



read with section 34 of the IPC.

3. The main submissions advanced by petitioners' counsel are that the informant is not an eye witness of the occurrence of murder, he got the information of the occurrence from the son of the deceased, during investigation, the deceased's son and daughter were examined by the I.O., though, they did not claim to have seen the commission of the alleged occurrence but they made direct allegation against their father, who is also an accused in this matter, and both the said witnesses only raised suspicion against the petitioners while on the alleged date and time of the occurrence, the petitioner, Narayan Mehta @ Narendra Mehta was present in Sonpura Middle School where he was a teacher and in this regard, the school's Headmaster has issued a certificate of which detail is available in the case diary. It is further submitted that admittedly, the dead body was found inside the house and the house was found locked from outside when the victim's son, who was the first person to get the information of the occurrence, reached at the house and the deceased's son and daughter revealed in their statements that their father had earlier attempted to kill their mother and during investigation the deceased's husband, a co-accused, confessed that he had



committed the murder, details of which are available in the case diary and these facts are sufficient to show the innocence of the petitioners. It is lastly submitted that both the petitioners are real brother having fair and clean antecedent.

4. Learned APPs appearing for the State have opposed the bail prayer of the petitioners and submitted that the deceased was murdered and both the petitioners are named in the FIR.

5. Considering the aforesaid submissions advanced by the petitioners' counsel and mainly taking into account the fact that the most important witnesses, who are said to be the children of the deceased, made the main allegation against their father and only raised suspicion against the petitioners and during investigation, the deceased's husband, a co-accused, accepted his sole role in the commission of the alleged murder and the petitioner, Narayan Mehta @ Narendra Mehta has taken the plea of alibi which gets support from the certificate issued by his school's Headmaster of which detail is available in the case diary coupled with the clean antecedent of the petitioners, in my opinion, in the said circumstances, the petitioners deserve to the privilege of anticipatory bail. Accordingly, let the petitioners named-above, in the event of their arrest/surrender



before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Balwahat P.S. Case No. 41/ 2024 on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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