

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3693 of 2026

Arising Out of PS. Case No.-258 Year-2025 Thana- BIRPUR District- Supaul

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1. Anil Mehta @ Anil Kumar Mehta S/o- Sadhu Mehta @ Sadanand Mehta R/v- Basmatiya Ps- Basmatiya Dist- Araria
 2. Chhedni Devi @ Lalita Devi W/o- Sadhu Mehta @ Sadanand Mehta R/v- Basmatiya Ps- Basmatiya Dist- Araria
 3. Sadhu Mehta @ Sadanand Mehta S/o- Panchi Mehta @ Panji Mehta @ Panchlal Mehta R/v- Basmatiya Ps- Basmatiya Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-01-2026

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Birpur P.S. Case no. 258 of 2025 registered under sections 137(2), 140(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant states that on the date of occurrence, Ramakant Mehta, Raj Kumar Mehta and Kishun Mehta, as a result of conspiracy, forcibly took away his 65 year old mother on a motorcycle. She was not to be found. The informant further states that he has land dispute with the five named accused persons including the three



petitioners herein. Further reference of Title Suit T.S. no. 266 of 2024 and T.S. no. 214 of 2023 has been given. The informant states that his mother has been kidnapped and killed and the dead-body made to disappear.

4. Learned counsel for the petitioners submits that the cause of false implication of the petitioners is evident from the contents of the FIR itself wherein pendency of the title suits has been given. It is submitted that the allegation of kidnapping of the mother of the informant is on the co-accused and not the petitioners herein. Referring to the order of the learned trial Court, it is submitted that the material which has transpired in course of investigation has been dealt with in detail by the learned Court below. Neither there is any eyewitness to the occurrence nor any material has transpired in course of investigation to connect the petitioners with the alleged crime. It is for this reason that the learned Sessions Judge observes in the order rejecting the bail of the petitioners that all the 'presumption' goes against the accused persons. The petitioners have no criminal antecedent and undertake to cooperate in the investigation.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.



6. Having heard learned counsel for the parties and taking into consideration the contents of the FIR, the allegation against the petitioners herein, pendency of title suits between the parties and the material that has transpired in course of investigation as has been dealt with in detail by the learned Sessions Judge in the order rejecting the application for bail of the petitioners together with the petitioners not having any criminal antecedent, it is directed that all the three petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Birpur P.S. Case no. 258 of 2025 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to satisfaction of the learned Additional Chief Judicial Magistrate-I, Birpur, Supaul.

(Partha Sarthy, J)

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