

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35714 of 2015

Arising Out of PS.Case No. -40 Year- 2015 Thana -CHARPOKHARI District- BHOJPUR

Mithilesh Ray @ Mithlesh Kumar son of Umashankar Ray, Resident of
Village- Dawana, P.S. Jagdishpur, District- Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nil Kamal, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 21-08-2015 Heard learned counsels for the petitioner and the State.

Petitioner is apprehending his arrest in a case registered
for the offences punishable under Sections 302,120B/34 of the
Indian Penal Code and 27 of the Arms Act.

The prosecution case is that the informant went to the
Court along with his brother and Mother Rekha Devi. While
returning from the Court by train his paternal uncle Rambabu Rai
and Mithilesh Rai came to his bogie and ordered his father
Kamlesh Rai to kill his mother Rekha Devi when Kamlesh Rai
fired upon Rekha Devi.

It is submitted by the learned counsel for the petitioner
that since the litigation was going on between the mother and the
father of the informant from before and the petitioner happens to
be uncle of the informant has been roped in the case maliciously.

The petitioner at the time of occurrence being military personnel was discharging duty at Bangladesh Border. A Statement has been made in para 3 that petitioner has no criminal history.

Considering the aforesaid stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 40 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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