

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54140 of 2016

Arising Out of PS.Case No. -108 Year- 2016 Thana -BIHRA District- SAHARSA

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1. Mithilesh Singh @ Mithalesh Kumar Singh, S/o Rudra Narayan Singh,
resident of Village- Patori, P.S.- Bihra, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Sri Mustaque Alam

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 09-01-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Bihra P.S. Case No. 108 of 2016 for the offences punishable under sections 307, 379, 427, 504, 506, 448, 324, 323, 341, 147, 148 and 149 of the I.P.C, later on section 302 of the I.P.C. was added.

Allegedly, in the occurrence the petitioner and other co-accused being variously armed entered into the house of the informant and started assaulting the family members. They also opened fire and the petitioner was armed with pistol and bomb.



Theft was committed and further the petitioner and co-accused Anand Singh assaulted Sidharth Saurabh @ Sani with iron rod causing bleeding injury to him, Tuntun Singh and Mantun Singh had assaulted Kishore Kumar, the husband of the informant, with farsa causing serious injury to him who later on died during treatment.

Submission is of false implication and that all the family members have been implicated in this case, no fire arm injury was caused to any one, it is not possible that the petitioner being armed with bomb and pistol will assault with iron rod to Sidharth Saurabh @ Sani, the injury caused to Sidharth Saurabh @ Sani is superficial in nature and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner and other co-accused after entering into the house of the informant committed heinous crime.

In the facts and circumstances as stated above, finding the nature of allegation, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the above mentioned case pending in the court of C.J.M. Saharsa.

However, in case and if so advised the petitioner



surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by the order of this court.

(Jitendra Mohan Sharma, J)

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