

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38882 of 2018

Arising Out of PS.Case No. -18 Year- 2018 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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1. Mithilesh Prasad @ Mithlesh Gope @ Mithlesh Gople @ Dangal S/o
Vijay Prasad @ Vijay Gope resident of village - Kakhara Mandakh, P.S. -
Noorsarai, District - Nalanda.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor of the State.

The petitioner is apprehending his arrest in connection
with Noor Sarai P.S. Case No. 18 of 2018, registered for offences
punishable under Sections 147, 148, 149, 341, 323, 307, 504 of the
Indian Penal Code and 27 of the Arms Act.

Allegation against the petitioner as per FIR is that the
petitioner along with others committed assault and fired from their
pistol, causing injury to the informant as well as one Sarita
Kumari on her forehead.

Submission of the learned counsel for the petitioner is
that there is some quarrel between two brothers and the petitioner
has been falsely implicated in this case and there is no fire arm
injury on the victim person, as would appear from the impugned



order. It is also submitted that other co-accused have been granted bail by co-ordinate Benches of this court vide order dated 10.05.2018 passed in Cr. Misc. No. 27611 of 2018 and vide order dated 31.05.2018 passed in Cr. Misc. No. 29415 of 2018.

Learned Additional Public Prosecutor opposes the prayer of bail.

Having heard both sides and in view of the facts and circumstances, as discussed above, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of the order, be released on anticipatory bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each in connection with Noor Sarai P.S. Case No. 18 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif, subject to the conditions laid down under Section 438 (2) Cr.P.C. with other that bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned and petitioner shall cooperate in the investigation and shall be present before the police as and when required, otherwise prosecution is at liberty to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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