

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5686 of 2019**

Arising Out of PS. Case No.-17 Year-2018 Thana- RAJAON District- Banka *

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Mithun Sharma @ Mithun Kumar Sharma

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey

For the Opposite Party/s : Mr.Umanath Mishra

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 28-03-2019 Heard the parties.

The petitioner seeks anticipatory bail in connection with Rajaun P.S.Case No. 17 of 2018, registered for offences punishable under Sections 341, 342, 323, 353 and 384 of 34 of the Indian Penal Code.

Allegation as per F.I.R. against the petitioner is of demanding rangdari from the truck drivers and after inquiry made by the informant, they fled away from there but apprehended persons disclosed the name of the petitioner.

Submission of the learned counsel for the petitioner is that the petitioner is named in the FIR but on hearsay basis and there is general and omnibus allegation against the petitioner and the petitioner has no criminal antecedent. It is also submitted that the similarly situated co-accused has been



granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 13.12.2018 passed in Cr. Misc. No. 5686 of 2019.

Learned A.P.P. opposes the prayer for bail.

From perusal of the record, it appears that co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 13.12.2018 passed in Cr. Misc. No. 5686 of 2019 but as a matter of fact, he was arrested prior to that and allegation of demand of extortion, he has named in the F.I.R., as such, I am not inclined to grant bail to the petitioner, Accordingly, prayer of anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrender before the court below within a period of six weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this order of this Court.

This application is accordingly dismissed.

(Vinod Kumar Sinha, J)

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