

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41296 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

1. Sanjay Rai S/o Sateyendra Rai,
 2. Mithilesh Sharma S/o Sakaldev Sharma,
 3. Jai Rai @ Jai Ram Rai
 4. Rajesh Rai S/o Chandradeo Rai,
 5. Pramod Kumar Rai S/o Devrajit Rai,
- All are resident of Village- Faijullahpur, P.S.- Baikunthpur, District-
Gopalganj. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 05-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Baikunthpur P.S. Case No. 37 of 2019 registered for offence punishable under sections 147, 148, 149, 151, 188, 323, 353, 427, 435 and 117 of the Indian Penal Code.

Allegation has been made that after the Pulwama incident in State of Jammu and Kashmir, a group of persons made some objectionable statement that created a serious law and order situation and two group of different communities have altercated and they have gone for rampant.

Petitioner no. 1 has four criminal cases, petitioner no. 3 has five criminal cases, petitioner no. 4 has three criminal cases and



petitioner no. 5 has one criminal case, but petitioner no. 2 has no criminal history.

Looking to the entire facts and circumstances of the case, the prayer for bail of petitioner no. 2, Mithilesh Sharma is allowed and he, in the event of arrest or surrender before the court below within six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st Class, Gopalganj in connection with Baikunthpur P.S. Case No. 37 of 2019, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

So far petitioner nos. 1, 3, 4 and 5, their prayer for bail is rejected. However, if they surrender and prays for regular bail within a period of three weeks from today, the court below will take decision in accordance with law, preferably on the same day.

(Shivaji Pandey, J)

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