

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5432 of 2019

Arising Out of PS. Case No.-460 Year-2019 Thana- BIHTA District- Patna

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MITHLESH KUMAR @ MITHILESH KUMAR @ MITHALESH KUMAR
Son of Laddu Rai Resident of Village - Gulamalichak, P.S.- Bihta, Distt - Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Usha Kumari Singh
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-12-2019 Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.

The appellant is seeking setting aside the order dated 24.10.2019 passed in A.B.P. No. 6952/2019 by which prayer of anticipatory bail of the appellant has been rejected in connection with Special Case No. 216/2019 (arising out of Bihta P.S. Case No. 460/2019) registered under Sections 341, 342, 323, 325, 504/34 of the Indian Penal Code and under Section 3(1)(r) SC/ST (Prevention of Atrocities) Act, pending in the court of learned Additional Sessions Judge – XX – cum – Special Judge, SC/ST Act, Patna.

Learned counsel for the appellant submits that this appellant has not been named in the F.I.R. and there is no



allegation that he was seen either at the time of forcibly taking away of the informant, appellant is neighbour of the informant, however, appellant has no criminal history.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the appellant.

Considering the facts and circumstances of the case, wherein the informant specifically named the persons of the village of this appellant who had participated in the alleged occurrence but this appellant has not been named and there is no allegation that he was seen either at the time of forcibly taking away of the informant or while committing assault on him, the appellant being a person having clean antecedent, there being no specific allegation against him, the impugned order in so far as it relates to the appellant is set-aside, let the above-named appellant, in the event of his arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – XX – cum – Special Judge, SC/ST Act, Patna, in connection with Special Case No. 216/2019 (arising out of Bihta P.S. Case No. 460/2019), subject to condition as laid down under Section



438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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