

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5797 of 2020**

Arising Out of PS. Case No.-13 Year-2019 Thana- SARAI RANJAN District- Samastipur

MITHILESH KUMAR SHARMA @ MITHILESH SHARMA S/o
Yadunandan Sharma Resident of Village- Kargil Chowk, P.S.- Sarairanjan
(Ghatho O.P.), Distt- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv.

For the Opposite Party/s : Ms.Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 27-08-2020 Heard learned counsel for the petitioner and Ms. Anita Kumari Singh, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Sarairanjan P.S. Case No.13/2019 registered for the offences punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that in fact on recovery of a dead body of 30 years old person near Ganga Pul, the present FIR was lodged by chowkidar on 19.01.2019. Initially, police tried to locate the identity of the deceased but they could not succeed. Two months after the lodging of the FIR one of the brothers of deceased came with a statement that his brother was shot dead by Shivdhari Giri and two others. He alleged that Shivdhari Giri had come to the house of the deceased and had taken him away in his



Bolero. He also named two other persons but not this petitioner who were with said Shivdhari Giri. One of them is Kamlesh. This petitioner is said to be working as a driver of said Kamlesh, therefore he has been brought within the purview of investigation made above.

Learned counsel further submits that in course of investigation since no cogent material could be collected by police Shivdhari Giri has been granted regular bail by a learned coordinate Bench of this Court in Cr.Misc.No.46002/2019 (Annexure-2). His confessional statement in which he had named Kamlesh and Rasmani, both of them have been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr.Misc. No.70999/2019 and Cr.Misc.No.66014/2019, copies of the orders are on record. Thus, it is submitted that so far as the allegations against this petitioner is concerned, only fact which has come in course of investigation is that he happens to be the driver of Kamlesh and nothing else.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioners, but in the given facts and circumstances of the case and taking note of the submissions hereinabove and the materials available on the record as also the case diary this Court having noticed that the only fact which has come against the petitioner is that he happens to be the driver of Kamlesh, Kamlesh has already been granted privilege of anticipatory bail, let the petitioner above named in the event of his arrest or surrender



within a period of four weeks from today in connection with Sarairanjan P.S. Case No.13 of 2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Samastipur, subject to the conditions 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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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

