

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85636 of 2019

Arising Out of PS. Case No.-211 Year-2018 Thana- SARAIYA District- Muzaffarpur

MUKESH RAY S/o Shivnath Ray R/o village- Ginjas, P.S.- Saraiya (Jaitpur O.P.), District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 27-02-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Saraiya (Jaitpur O.P.) Police Station Case No. 211 of 2018, disclosing offences under Section 392 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner, as per the First Information Report, is that the informant was intercepted by three persons on two motorcycles and one of the accused persons, on the gun point, snatched a sum of Rs. 3,000/- from the informant. It has further been alleged that the villagers caught hold of one of the accused persons, Guddu Rai and in the mean while, the petitioner arrived at the place of occurrence and said to the informant and other villagers that the apprehended person,



Guddu Rai, is his relative and if the police comes, he would hand him over to the police.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to village politics inasmuch as the informant belongs to the same village of the petitioner and for the same incident, two First Information Reports have been registered and in the second First Information Report, being Saraiya (Jaitpur O.P.) Police Station Case No. 212 of 2018, one motorcycle and one activa scooty were allegedly seized by the police and fire arms and cartridges were recovered by the police from the said two vehicles and the petitioner has been made accused in that case also. He further submits that the petitioner has got no criminal antecedent and the fire arms, which have been seized, have not been seized from his conscious possession or the vehicle belonging to him. He, referring to paragraph 3 of the supplementary affidavit, submits that the motorcycle and the scooty do not belong to the petitioner.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner has got no criminal antecedent and there is no specific allegation of snatching of money by the petitioner in the



First Information Report, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Mukesh Ray, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Muzaffarpur, in connection with Saraiya (Jaitpur O.P.) Police Station Case No. 211 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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