

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39677 of 2020

Arising Out of PS. Case No.-143 Year-2020 Thana- AMARPUR District- Banka

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1. Mithilesh Kumar @ Mithilesh Sharma, S/o Awadh Kishore Sharma,
Resident of Village - Mahota, P. S. - Amarpur District - Banka.
 2. Rakesh Kumar Ray, S/o Gopichand Ray, Resident of Village - Ghorpithiya,
P.S. - Shahkund, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv.
For the Informant	:	Mr. Pramod Mishra, Adv.
For the State	:	Mr. Abhay Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-06-2021 Heard Mr. Ajay Kumar Thakur, the learned Advocate for the petitioners and Mr. Pramod Mishra, the learned counsel for the informant. The State is represented by Mr. Abhay Kumar No. 1, the learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Amarpur P.S. Case No. 143 of 2020, dated 14.03.2020, instituted for the offences under



Sections 147, 148, 149, 307, 323, 338, 379, 427, 447 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

From the prosecution version, it appears that there has been a dispute between two families over apportionment of property, which is being claimed by the informant and his associates.

There is a case and a counter case between the parties.

So far as the subject F.I.R. is concerned, the petitioner No. 1/Mithilesh Kumar @ Mithilesh Sharma is said to have fired from his rooftop, injuring the brother of the informant. In the counter case, there is reference of the informant having resorted to firing, leading to injuries on the person of the own brother and one of the cousins of petitioner No. 1. The accused persons of the counter case are in custody.

So far as the petitioner No. 2/Rakesh Kumar Ray is concerned, there is no specific accusation against him of hurting anyone of the members of the prosecution side.



The petitioner No. 1 also does not have any criminal antecedents.

Considering the background facts and the specific accusation levelled against petitioner No. 1, I am not inclined to grant anticipatory bail to him.

The prayer for grant of anticipatory bail of petitioner No. 1 is, accordingly, rejected.

However, if petitioner No. 1 surrenders before the Court below and seeks bail, the Court below shall consider his case on its own merits, without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

For the absence of any specific act of assault against petitioner No. 2/Rakesh Kumar Ray, he, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No. 143 of



2020, subject to the conditions laid down under Section
438(2) of the Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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