

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56314 of 2021**

Arising Out of PS. Case No.-25 Year-2020 Thana- MEHUSH District- Sheikhpura

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1. Nitish Kumar, aged about 22 years, Sex-Male.
 2. Mithu @ Mithu Kumar, aged about 20 years, Sex-Male.

Both Son of Taxi Yadav @ Maheshwar Yadav.

All are Resident of Village - Mafo, P.S.- Mehus, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 25-02-2022 Heard the parties.

The petitioners seek bail in anticipation of their arrest in connection with Mehus P.S. Case No. 25 of 2020 instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 384, 379, 504 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that there are cross cases relating to the same incident and the petitioner no. 1 has been injured suffering fire arm injury. At the instance of the informant an FIR was lodged first by the



petitioners and later on by the informant has filed the FIR. The informant has also used firearms causing injury to the petitioner no. 1.

I have considered the submission, this Court finds that in the FIR registered by the informant the specific allegation against petitioner no. 2 is not made out while there is allegation against petitioner no. 1 of using latest manufacture firearms. There are cross cases between them. However, in such matters recovery of firearms would be required and custodial interrogation is also required.

In view thereof, anticipatory bail application of petitioner no. 1, namely Nitesh Kumar, is rejected. However bail application of petitioner no. 2, namely Mithu @ Mithu Kumar, is allowed, in the event of arrest petitioner no. 2, shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, which are as under:-

1. The petitioner no.2, namely Mithu @ Mithu Kumar shall furnish personal bond with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer;

2. The petitioner no. 2 shall cooperate with the investigation and make himself available for interrogation



whenever required;

3. The petitioner no. 2 shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

4. The petitioner no. 2 shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

5. The petitioner No. 2 shall not leave the territory of Sheikhpura, without prior permission of the Court, till trial is over;

6. The petitioner no. 2 shall maintain law and order;

7. The petitioner no. 2 shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

8. The petitioner no. 2 shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;

9. The petitioner no. 2 shall regularly remain present during the trial, and cooperate with the Hon'ble court to



complete the trial for the above offences.

(Sanjeev Prakash Sharma, J)

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