

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58969 of 2021**

Arising Out of PS. Case No.-36 Year-2021 Thana- FATUA District- Patna

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Mithlesh Gope @ Mithlesh Rai Son of Sri Shiv Balak Rai Resident of Village  
- Jurawanpur, P.S.- Jurawanpur, District - Vaishali at Hajipur, Presently  
residing at Kripa Tola, P.S.- Nadi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoranjan Kumar

For the Opposite Party/s : Mr. Binod Kumar

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      11-07-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner apprehend his arrest in connection with  
Fatuha P.S. Case No.36 of 2021, registered for the offences  
punishable under Sections 447, 341, 323, 325, 379, 504, 506,  
307 and 34 of the Indian Penal Code and Section 27 of the Arms  
Act.

The petitioner is said to have fired upon Santosh  
Kumar Sinha. Thereafter the petitioner and co-accused, Amar  
Gope assaulted Ashok Kumar Sinha and Santosh Kumar Sinha  
by means of butt of pistol and Ashok Kumar Sinha and Santosh  
Kumar Sinha became unconscious. Thereafter the accused  
persons took away Rs.20,000/- cash and a chain made of gold



from Ashok Kumar and put three cartridges in the pocket of Santosh Kumar. Co-accused, Ajay Rai Rajhans Rai along with others assaulted Ujjawal Kumar and Vishal Gaurav by means of butt of pistol.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. It is further submitted that there is case and counter case between the parties and both sides sustained injuries. It is submitted that there is land dispute between the parties for which the informant has lodged the present case against the petitioner. It is lastly submitted that the petitioner has got eight criminal antecedents as stated in paragraph-3 of the bail application.

The learned APP for the State opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner has got criminal antecedents.

Taking into consideration the facts that there is case and counter case between the parties on account of land dispute and both sides sustained injuries, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five



thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City, Patna in connection with Fatuha P.S. Case No.36 of 2021, subject to the conditions laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds shall be liable to be cancelled.

(3) That the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move for cancellation of his bail bond.

(4) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in



the present case and thereafter the court below will be at liberty  
to initiate proceeding for cancellation of bail on the ground of  
misuse.

**(Anjani Kumar Sharan, J.)**

Sanjay/-

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