

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14263 of 2023

Arising Out of PS. Case No.-437 Year-2022 Thana- GOPALPUR District- Patna

Mithlesh Kumar, S/O Ram Ishwar Rai @ Rameshwar Rai R/o- Ilahibagh,
P.S.- Gopalpur, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Raj Shekhar, Advocate
For the Opposite Party/s :	Mr. Dr. Mrityunjaya Kr.Gautam, APP
For the Informant :	Mr. Asif Kalim, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Learned counsel for the petitioner is permitted to
make correction in paragraph '8' of the application.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Gopalpur P.S. Case No.- 437 of 2022
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 307, 380, 354, 504, 506 of the Indian Penal
Code. He has got no criminal antecedent.

As per the prosecution story, on 31.08.2022 at 10:00
P.M. this petitioner along with other two named accused persons
and 30-35 unnamed accused person variously armed entered the
house of the informant and started assaulting the husband of the
informant, in order to save himself he dashed this petitioner as a



result he sustained injury. It is alleged that the accused persons took away Rs.1 lakh and gold jewellery worth Rs.8,00,000/- from the house of the informant. It is also alleged that the accused persons damaged the articles of the house of the informant. It is further alleged that this petitioner and co-accused Lalendra Kumar outraged the modesty of the informant and her gotni.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that both the parties sustained injury and there is counter case also. It is submitted that there is no allegation against the petitioner of causing any injury upon the husband of the informant.

Learned APP for the State and learned counsel for the informant has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears that both the parties are co-villagers, they had a fight in which the petitioner has also sustained injury and a counter case has been lodged giving rise to Gopalpur P.S. Case No. 431 of 2022 on 01.09.2022 itself, there being no allegation that the petitioner has caused any injury upon the



husband of the informant, the allegations are otherwise ornamental in nature and that the petitioner has no criminal antecedent, therefore, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Gopalpur P.S. Case No.- 437 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Ms. Ranjana Dubey, Judicial Magistrate, Ist Class, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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