

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47731 of 2022

Arising Out of PS. Case No.-265 Year-2020 Thana- DARIYAPUR District- Saran

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MUKESH BAITHA @ MUKESH S/O PUNAI BAITHA Resident of village-
Samaspura, P.S.- Dariyapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner apprehends his arrest in connection with
Dariyapur P.S. Case No.265 of 2020 instituted under Sections 147,
148, 149, 31, 323, 324, 307, 302, 504 and 506 of the Indian Penal
code.

As per the prosecution story, the accused persons, thirty
five in numbers and some other unknown was armed variously
attacked the informant's side and in the process injured number of
them.

Learned counsel for the petitioner submits that save and
except that his name has come in the list of accused as the son of
Punai Baitha, no where anything has been alleged in the FIR against
him. It is his further submission that the petitioner do not have any
criminal antecedent and is a young boy of 23 years and only due to
the fact that he belongs to the family of the accused persons, his



name has been dragged. It is his last submission that some of the similar placed co-accused have been granted the same relief vide Cr. Misc. No.8479 of 2021 (Uday Singh @ Uday Kumar) on 20.12.2021 by a co-ordinate Bench of this Court.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that the no role has been attributed to the petitioner, he do not have criminal antecedent and some of the co-accused as stated above have been granted privilege of anticipatory bail, this Court is inclined to grant him relief.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Dariyapur P.S. Case No.265 of 2020 to the satisfaction of learned Additional Chief Judicial Magistrate, XIII, Saran, Chapran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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