

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49510 of 2023

Arising Out of PS. Case No.-371 Year-2023 Thana- BARHARA District- Bhojpur

Mithilesh Ray @ Mithilesh Kumar Ray Son Of Suresh Ray Resident Of
Village- Lala Ke Tola Ps- Barhara, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-08-2023 Heard the learned counsel for the petitioner and the
State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Barhara P.S. Case No. 371 of 2023 , registered for the offences punishable under Sections 147, 149, 447, 341, 323, 379, 307, 504 and 506 of the Indian Penal Code.

3. As per allegation, the petitioner along with other co-accused persons came to the shop of the informant, to buy clothes and shoes. They started bargaining by reducing the price . When the informant said that he would not be able to put down the price anymore, the accused persons started abusing the informant and they left the shop. After ten minutes all the accused persons returned, and started looting the shop and took away Rs. 46000/- from the galla. They are also alleged to have



hit the informant with an iron rod with the intention of killing him.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that as per the injury report, the alleged victim has suffered simple injury. He also submits that similarly situated co-accused, Rakesh Rai and Amit Rai have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 19.08.2023 passed in Cr. Misc. No 52096 of 2023.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of the Ld CJM, Bhojpur at Ara, in connection with Barhara P.S. Case No. 371 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

9. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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