

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59127 of 2023

Arising Out of PS. Case No.-85 Year-2015 Thana- RAMGARH District- Kaimur (Bhabua)

Mithilesh Kumar Singh @ Lallu Singh @ Shri Lulu Singh S/O- Sri Krishna Singh(wrongly written Sri Tej Narayan Singh) R/o Village- Gorsara Ps- Ramgarh Dist- Kaimur Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No .13, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Mr.Manish Kumar No .13, learned counsel
for the petitioner and Mr.Uday Chand Prasad, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ramgarh P.S.Case No.85 of 2015, FIR dated 15.04.2015 registered for the offences punishable under Sections 147, 149, 323, 353, 337, 504, 506 of the Indian Penal Code.

3. Prosecution case, in short, in brief, is that the informant along with other police force went to village Godasara to remove encroachment related to Encroachment Case No. 03/2007-08 with the help of labourers. In the meantime, all the accused persons started pelting stones upon



them due to which C.O. Ramgarh sustained injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and as per allegation in the FIR the petitioner alongwith co-accused persons and more than 150 unknown persons were involved in protesting the encroachment and during such incident, some of the Govt. Officials have been injured and it appears from the FIR that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and the co-accused persons, namely, Chintu Kharwar @ Amar Prasad Kharwar and several others have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 14.09.2023 passed in Cr. Misc. No.56059 of 2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the



court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Mohania, Kaimur, Bhabhua in connection with Ramgarh P.S.Case No.85 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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/her 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.

(Rajesh Kumar Verma, J)

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