

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60150 of 2023

Arising Out of PS. Case No.-538 Year-2021 Thana- JAMUI District- Jamui

Mithun Kumar, S/O Brahamdev Thakur @ Bani Thakur, R/O Village-
Choura, P.S- Jamui, Distt.- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Jamui P.S. Case No.538 of 2021 registered for the offences punishable under Sections 147, 149, 323, 324, 354, 379, 307, 504 and 506 of the Indian Penal Code. He has no criminal antecedent.

3. As per the prosecution story, on 07.12.2021 at about 7.00 pm all the accused persons including this petitioner came at the house of the informant armed with deadly weapons. It is alleged that one Shambhu Paswan ordered the accused persons to kill the informant on which Vikash Kumar gave sword blow on the head of the informant due to which informant received injury on his head and fell down, in the meantime, Suraj Paswan gave iron rod blow on the right hand of



the informant. It is further alleged that Rambilash Paswan tried to outrage the modesty of the wife of the informant and torn his blouse and Sari. It has been further alleged that when the son of the informant Shivam Kumar raised hulla, then Dhiraj Paswan assaulted him by fists and slaps and on the order of Shambhu Paswan all the accused persons looted the household articles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the allegations against the petitioner are general and omnibus and the co-accused similarly situated have been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr.Misc.No. 22999 of 2022. It is submitted that the petitioner has otherwise no criminal antecedent.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that in the F.I.R. there are 7 named accused, the allegations against the petitioner are general and omnibus and the co-accused similarly situated have been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in



Cr.Misc.No. 22999 of 2022, the petitioner has otherwise no criminal antecedent, in the circumstances, this Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Jamui P.S. Case No.538 of 2021 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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