

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63823 of 2022**

Arising Out of PS. Case No.-194 Year-2011 Thana- RUNISAIDPUR District- Sitamarhi

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MUKESH PATEL @ VISHAL JI S/O Surendra Patel @ Surenda Mahto R/O
Village- Suhaigarh, P.S- Mahindwara (Runnisaidpur), District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 01-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Runnisaidpur P.S. Case no.194 of 2011 registered under sections 416, 120B, 147, 148 and 149 of the Indian Penal Code, sections 25(1-B)(a), 26 and 35 of the Arms Act and section 17 of the C.L.A. Act.

3. As per the prosecution case, the informant states that on information having been received about unsocial elements having gathered at the house of one Suresh Ram, a raid was conducted and two persons namely Rinki Devi and Awadhesh Rai were arrested. On enquiry, they disclosed that they were supporters of maoists. It is further stated that they took the name of 21 persons who had managed to escape which included the petitioner herein.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He was neither caught at the place of occurrence nor any incriminating article recovered from his possession. He is in custody since 1.7.2021.

5. The application for bail is opposed by learned A.P.P. for the State who submits that the petitioner absconded for nearly ten years and has criminal antecedents.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R. against this petitioner, his not having been arrested at the spot nor any incriminating article recovered from his possession together with his having remained in custody for more than 2 years since 1.7.2021, the Court directs the petitioner to be enlarged on bail in connection with Runnisaidpur P.S. Case no.194 of 2011 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi.

(Partha Sarthy, J)

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