

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68931 of 2023

Arising Out of PS. Case No.-119 Year-2021 Thana- JANKINAGAR District- Purnia

Mithu Sharma @ Mithilesh Sharma @ Mithilesh Kumar Son of Rampravesh
Sharma, Residence of Madhuban PS Jankinagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 07-11-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. The petitioner apprehends his arrest in connection with Jankinagar PS Case No. 119 of 2021 dated 15.06.2021, registered for the offences punishable under Sections 341, 323, 353, 332, 188, 504, 506 read with Section 34 of the Indian Penal Code.
3. The main submissions advanced by the learned counsel for the petitioners are that as per the prosecution's story narrated in the FIR, the police party raided the house of this petitioner to arrest him in connection with Sarsi PS Case No. 46 of 2021 which was lodged against unknown persons and petitioner was taken into custody and thereafter as per allegation

his family members resisted the act of the police party, but the said allegation is not against this petitioner, hence, the alleged offences of the FIR do not attract against this petitioner and petitioner has been released on bail in Sarsi PS Case No. 46 of 2021 in which he was arrested from his house and before his release from the said PS Case, he was not taken into custody in the present matter, though against the petitioner, there are criminal antecedents of four cases, but he has got bail in all the said cases.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that the allegation of creating obstruction in the official duty of the police personnel while they were arresting the petitioner is against his family members and any specific role of the petitioner in the commission of the alleged occurrence has not been revealed, in my opinion, in the said circumstances the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail in connection with Jankinagar PS Case No. 119 of 2021 on

furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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