

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15204 of 2024

Arising Out of PS. Case No.-44 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

=====

Mithu Kumar @ Mithu Bhagat S/o Naval Bhagat Resident of village
Dhanaiya Ps Shahebganj District Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 07-05-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Dumariya Ghat P.S. Case No. 44 of 2021, dated 14.03.2021
registered for the offences punishable under Sections 392, 394,
379 & 307 of I.P.C. and Section 27 of the Arms Act.

3. As per allegation, the petitioner and his associates
opened fire on the informant which hit in his left arm.
Further allegation of theft of 585 litres of diesel worth Rs.
51,123.15 is also there.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this
case. He further submits that the petitioner is not named in the



F.I.R. because F.I.R. has been lodged against unknown persons. He further submits that Police running after him to arrest because as per the police, his name has transpired in the confessional statement of co-accused Dhiraj Kumar and Chunnu Paswan. It has further been submitted that similarly situated co-accused person has been granted bail by this Court *vide* order dated 06.07.2022, passed in Cr. Misc. No. 6477 of 2022.

5. It is also stated in paragraph no. 2 of the petition that petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail. It has further been stated that the petitioner has been made accused in Baruraj P.S. Case No. 45 of 2021.

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

7. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged 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 Ld. Chief Judicial Magistrate, East Champaran at



Motihari, in connection with Dumariya Ghat P.S. Case No. 44 of 2021, 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 antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents 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, Ld. court below shall cancel the bail bond of the petitioner.

8. The application stands allowed, accordingly.

(Jitendra Kumar, J.)

Shoaib/ Ravi
Shankar-

U		T	
---	--	---	--

