

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48539 of 2024

Arising Out of PS. Case No.-532 Year-2023 Thana- BIHAR District- Nalanda

Mukesh Kumar @ Mukesh Don S/o Bindeshwar Yadav R/o vill - Chatarpur,
P.s. - Bind, Distt. - Nalanda, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate
For the State : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-08-2024 Heard Mr. Prince Kumar Mishra, learned counsel
for the petitioner and Mr. Narendra Kumar Singh, learned APP
for the State.

2. The petitioner is apprehending his arrest in connection with Bihar P.S. Case No. 532 of 2023 for the offence under Sections 147, 149, 341, 323, 307, 504 and 506 of the I.P.C. lodged on 14.06.2023 by the informant, Kari Devi.

3. As per the prosecution story, on the informant's land, there was a hut which was demolished with the help of J.C.B. Machine and when informant protested, one Md. Shakil alongwith Bablu Setter @ Rajni Kant, Randhir Kumar and ten other anti-social elements started assaulting and abusing her. Thereafter, it is alleged that when the son of informant came, two other accused started firing on informant and her son.



However, informant somehow managed to escape along with her son to save her life. Lastly, it is alleged that Jitu and Mukesh opened fire on the instruction of Md. Shakil and Bablu. It is also alleged that same can be verified from the C.C.T.V footage of the corporation. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that, no role has been assigned to him but only to implicate, he has been nicknamed as Mukesh Don which actually is not his name and even the father's name has not been incorporated. The further submission is that a perusal of the F.I.R would show that though allegation of firing is there, no injury has been attributed.

5. Further submission is that there is a case and counter case, the present case vide Bihar P.S. Case No. 532 of 2023 against the informant side. The last submission is that similarly situated person Jitu Kumar @ Jitendra Kumar has been extended the privilege of anticipatory bail in Cr. Misc. No. 39715 of 2024.

6. Let the said order be kept on record.

7. Learned APP opposes the prayer and submitting that he has been named in the F.I.R though, he concede no role has been attributed.

8. Taking into account the aforesaid facts that there is



a case and counter case, the name of the petitioner has cropped as Mukesh Don but no further allegation is there on the other corner, similarly situated person, as stated above, already have been extended the same privilege, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif, in connection with Bihar P.S. Case No. 532 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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