

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66097 of 2024

Arising Out of PS. Case No.-81 Year-2013 Thana- GARKHA District- Saran

Mahesh Rai @ Mahesiya Son of Laxhuman Roy Resident of village-
Ramgarha, Police Station- Awatar Nagar, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mili Kumari

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-10-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 448, 379, 307, 386 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case but then he was acquitted
in the said case and the informant alleges that he along with a
contractor were appointed as J.E. for construction of Virbhan
High School at village Rampur, further on 17-6-2013 while
informant was in the school, when 6 accused persons came on
motorcycles and 4 of them entered the room, thereafter one
accused asked the informant that why he has started working



here without stopping the work at Bhagwanpur, thereafter another accused assaulted him by butt of pistol and dragged him out of the room and thereafter the accused fired causing injury on the leg of the informant.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case during the course of investigation. It is submitted that the FIR is against unknown and the name of the petitioner transpired in the confessional Statement of Sujit Kumar in police custody, which does not have any evidentiary value. It is further submitted that till date no process under Section 82 Cr.P.C has been issued, which amply demonstrates that police after investigation was sanguine about the innocence of the petitioner or else would have applied for process under Section 82 Cr.P.C. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Garkha P.S. Case No. 81 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his father, Laxhuman Roy.

8. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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