

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.70855 of 2023**

Arising Out of PS. Case No.-440 Year-2022 Thana- WARISLIGANJ District- Nawada

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Raushan Kumar, Son Of Bhutali Ram, R/O Village- Bhawani Bigha, P.S.-  
Warisaliganj, District- Nawada.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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**Appearance :**

|                        |   |                                                                                 |
|------------------------|---|---------------------------------------------------------------------------------|
| For the Petitioner     | : | Mr. Ajay Kumar Thakur, Mrs. Vaishnavi Singh and<br>Mr. Ritwik Thakur, Advocates |
| For the Opposite Party | : | Mrs. Sangeeta Sharma, A.P.P.                                                    |

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

3      26-02-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Warisaliganj P.S. Case No. 440 of 2022 dated 13.08.2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, Sections 307, 353, 414/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 12.08.2022, while the police officials of Telangana State had arrived in the village- Bhawani Bigha under Warisaliganj Police to arrest one Mithilesh Prasad, holder of Mobile No. 8293513665, one



Fortuner vehicle bearing Registration No. JH02AY-0001 alongwith 5-6 motorcycles came there and after seeing the police officials, they started firing on the police team. Thereafter, the village was surrounded and Surendra Prasad, the owner of the said vehicle was arrested from his house. It is further alleged that one Harrier vehicle bearing Registration No. JH02BB-4139 was also standing in front of the house of Surendra Prasad. Surendra Prasad disclosed that both vehicles were purchased by his son Mithilesh Prasad. On search of Fortuner vehicle, 750 ml foreign liquor was recovered and from the Harrier vehicle, 200 ml. Foreign liquor was recovered. Surendra Prasad also disclosed that his son Mithilesh Prasad alongwith Raushan Kumar (petitioner) are involved in committing cyber crime and they are getting huge income from it and both vehicles were purchased by the said income. Another I-20 vehicle bearing Registration No. BR21X7601 which was purchased by the petitioner was also searched and from which 200 ml foreign liquor was recovered. It is also alleged that from the house of the petitioner, cash of Rs. 1,20,70,000/- was recovered. Bhutali Ram the father of the petitioner disclosed that his son Raushan Kumar and Mithilesh Kumar are giving false advertisement and they are cheating money from the



innocent people. It is further alleged that Surendra Prasad confessed before the police that his son Mithilesh Kumar @ Lalu Mahto is indulged in cyber crime and from its come, he had opened one Chimni Bhata. He further confessed that the driver of the Fortuner vehicle, namely, Jitendra Kumar and Mahesh Kumar who is his son-in-law alongwith the petitioner are indulged in committing cyber crime and they are getting income from it. He further disclosed that 8-10 persons alongwith aforesaid named persons were involved in exchange of firing on the police officials.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that the vehicles in question do not belong to the petitioner. It is further submitted that the Mithilesh Kuymar is the owner of brick-kiln and Bhutali Ram is the Munshi and there was negotiation to sale the said brick-kiln and some other property and that money is allegedly shown to be money of other purpose by the informant in the present case. There is no compliance of Section 100 of Cr.P.C. The petitioner has two criminal antecedents as stated in paragraph no. 3 of the bail application.



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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Nawada, in connection with Warisaliganj P.S. Case No. 440 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

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