

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81177 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- KHARIK District- Bhagalpur

Mithu Kumar @ Abhishek Kumar S/O Shankar Yadav @ Shakar Yadav
Resident Of Village- Dadpur, P.S.- Kharik, District- Bhagalpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-01-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 307, 436, 186, 188, 332, 333, 338, 353, 427, 504 of the Indian Penal Code.

As per prosecution case, the petitioner was allegedly member of mob which was armed with lathi and danda and they were agitating against the Government Scheme of Agniveer for recruitment in the Army. The mob damaged the property of Railway and



attacked the police party causing a number of injuries to the police personnel.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Neither the petitioner is named in F.I.R. nor anything incriminating has been recovered from his conscious possession. The name of petitioner sprang up in this case on the statement of spy. There is no specific allegation against the petitioner. He is only member of unlawful assembly. Moreover, the petitioner is languishing in judicial custody since 28.09.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated co-accused, namely, Yadav Kumar @ Potia Kumar has already been granted bail vide order dated 29.03.2023, passed in Cr. Misc. No. 70543 of 2022 by the co-ordinate Bench of this Court.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Kharik P.S. Case No. 153 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st, Naugachia, Bhagalpur.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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