

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85255 of 2024

Arising Out of PS. Case No.-35 Year-2021 Thana- BARURAJ District- Muzaffarpur

Mithu Kumar Son of Naval Bhagat Resident of Village- Dhanaiya, P.S.
Sahebganj, District- Muzaffarpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Baruraj P.S. Case No. 35 of 2021 dated 08.03.2021, instituted for the offence punishable under Sections 395, 397 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that the petitioner along with other accused persons have assaulted and snatched Rs. 30,000/- from the informant on the point of gun. It is further alleged that one of the accused namely, Ranjan Pandey has fired upon the informant on the instruction of other accused namely, Abhishek Pandey.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner has been made accused in this case only on the basis of confessional statement



of co-accused Ranjan Pandey and Abhishek Pandey. It is next submitted that there is no specific allegation against the petitioner rather the specific allegation is against co-accused Ranjan Pandey, who fired upon the informant on the instruction of other co-accused namely, Abhishek Pandey. It is further stated that nothing incriminating articles has been recovered either from the conscious possession or from the house of the petitioner. It is also submitted that co-accused Ranjeet Paswan has been granted bail vide order dated 29.02.2024 passed by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 73896 of 2023 and co-accused Dheeraj Kumar has been granted bail *vide* order dated 07.06.2022 passed by this court in Criminal Miscellaneous No. 5096 of 2022. Lastly, it has been submitted that petitioner has two criminal cases against him.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Baruraj P.S. Case No. 35 of 2021, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Court No. 5 Judicial Magistrate 1st Class, Muzaffarpur, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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