

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.576 of 2024

Arising Out of PS. Case No.-321 Year-2023 Thana- FATUA District- Patna

Mukesh Kumar @ Mukesh Ray S/O Mannu Ray R/O Vill- Kanhaipur
P.S.Mokamah , Dist- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-07-2024 Heard Mr.Tribhuwan Narayan, learned counsel for the petitioner, learned counsel for the informant and Mr.Surendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Fatuha P.S.Case No.321 of 2023,FIR dated 01.05.2023 registered for the offences punishable under Sections 323,341,302,120(B),504,34 of IPC and Section 27 of the Arms Act.

3. According to prosecution case, the informant alleges that when he left his shop for some work then the accused persons and unknown persons came and assaulted the informant's brother on account of him asking for money for



the goods.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no accusation of any assault, overt-act or firing attributed against the petitioner rather there is allegation of firing attributed against co-accused persons, namely, Pintu, Ajay Singh and Sonu Kumar and petitioner has falsely been implicated in the present case due to some ulterior motive. Further submits that the informant is not the eye witness of the alleged occurrence and nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the petitioner is a Tea Shop owner and his shop is near the place of occurrence.

5. Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the FIR and he is the main conspirator of the present occurrence.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the



court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Patna City, Patna in connection with Fatuha P.S.Case No.321 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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