

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12109 of 2025

Arising Out of PS. Case No.-100 Year-2020 Thana- GAYA MUFASIL District- Gaya

Mithlesh Saw @ Mithlesh Prasad @ Mithilesh Saw @ Mithalesh Saw S/O
Virja Prasad Gupta R/O Village/Mohalla- Budhgere (Burhgere), P.S-
Mufassil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar
Mr. Deepak Kumar, Advocates
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-02-2025 Heard Mr. Diwakar, learned counsel for the
petitioner and Mr. Madhura Nand Jha, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Mufassil P.S. Case No. 100 of 2020, F.I.R. dated 10.03.2020 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 338, 307, 353, 332, 333, 337, 427, 435, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, all the named and unknown persons including the petitioner has assaulted the police personnel due to which some of the police personnel got injured.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that as per allegation in the F.I.R. the petitioner and other co-accused persons have created obstruction in discharge of duty of the police officials. Learned counsel for the petitioner further submits that from perusal of the F.I.R. it appears that although the petitioner is named in the F.I.R.. but there is no specific allegation of any assault or overt attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that similarly situated co-accused person namely Badal Kumar @ Prince Kumar has been granted the privilege of anticipatory bail by this Court vide order dated 08.06.2022 passed in Cr. Misc. No. 32820 of 2021, another similarly situated co-accused person namely Prasuram Sao @ Prasuram Kumar @ Parshuram Sao and Others have been granted the privilege of anticipatory bail by this Court vide order dated 14.08.2024 passed in Cr. Misc. No. 49903 of 2024, another similarly situated co-accused person namely Mukesh Kumar & Others have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 18.02.2022 passed in Cr. Misc. No. 25682 of 2021, another co-accused person namely Dino Sao @ Dinesh Kumar Gupta @ Dina Sao has been granted the



privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 16.02.2024 passed in Cr. Misc. No. 78979 of 2023 respectively.

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

6. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIII, Gaya in connection with Mufassil P.S. Case No. 100 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other 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 shall remain physically present as directed 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) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 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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