

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11429 of 2016

Arising Out of PS.Case No. -50 Year- 2014 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. MITHILESH KUMAR SINGH @ MITHILESH ANTU @ D.M. son of
Abhimanyu Singh, Resident of village- (Taraitha), Baraitha, P.S.- Ramgarh,
District- Kaimur (Bhabua).... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr. Nityanand Tiwary(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 28-04-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Mohania
P.S. Case No. 50 of 2014 registered for the offences punishable
under Sections 394, 302/34 of the Indian Penal Code and Section
27 of the Arms Act.

Allegedly, Shiv Charan Yadav, the driver of Truck No.
UP67T-0247, was shot dead inside the truck by unknown
miscreants. During investigation on the basis of confessional
statement of co-accused Prabhat Kumar the name of the petitioner
and others transpired and thereafter, the petitioner has been
remanded in this case on 06.01.2016.

Submission is of false implication and that there is no
cogent material against the petitioner, the petitioner is not named

in the first information report, the petitioner has not been put on test identification parade, the alleged confessional statement of co-accused has got no evidentiary value in the eye of law, co-accused Muquaddar Shah has already been allowed bail vide Cr. Misc. No. 49150 of 2015 and as such the petitioner also deserves sympathetic consideration to which learned APP submits that the petitioner has got criminal antecedent as he is involved in one more case.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 50 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--