

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8350 of 2019

Arising Out of PS. Case No.-261 Year-2018 Thana- DHARHARA District- Munger

MITHUN KUMAR, Male, aged about 21 years, S/o Manoj Kumar Singh
village-Mahpur, Siswan, P.S.-Tarapur, District Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Shanker Prasad
For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
07.10.2018 in connection with Dharhara (Hemjapur) P.S. Case
No. 261 of 2018 for offences punishable under Section 392 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that four unknown miscreants looted away the motorcycle,
mobile and some cash from the informant.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information
Report and his name surfaced only on his extra-judicial
confessional statement before the police, which has no
evidentiary value in the eye of law. He submits that the



motorcycle was not found in the possession of the petitioner but in an abandoned condition near Bata Chowk. He further submits that no T.I. Parade has been done so far and charge-sheet has already been submitted there being no allegation of tampering of the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent as two more cases are pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Addl. Chief Judicial Magistrate-I, Munger, in connection with Dharhara (Hemjapur) P.S. Case No. 261 of 2018, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason



will entail cancellation of his bail bonds.

3. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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