

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50079 of 2019

Arising Out of PS. Case No.-63 Year-2018 Thana- GHOGHARDIHA District- Madhubani

Mithu Jha@ Mithu Kumar Jha @ Pintu Jha, aged about 25 years, Son of Anil Jha, Resident of Village- Hariraha, P.S. Karjain, District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Gagan Deo Yadav, Advocate

For the Opposite Party : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 09-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 379 of the Indian Penal Code registered in connection with Ghoghardiha P.S. Case No. 63 of 2018.

3. It is submitted that the petitioner has been falsely implicated as he is not named in the FIR. The petitioner's name has surfaced only on the basis of confessional statement of co-accused Md. Aktar Ansari except which there is no objective material to connect him with the alleged occurrence. There is delay of two months in instituting the FIR on 03.07.2018 for the alleged occurrence of 09.05.2018. No recovery of any incriminating articles has been made from possession of the petitioner. The petitioner is an accused in one prior case, namely, Bhairabsthan P.S. Case No. 87 of 2018.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No. 63 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

BT/-

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

