

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56259 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- SARE District- Nalanda

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MITHILESH KUMAR @ AKHILESH KUMAR @ MITHILESH YADAV
Son of Late Jagdish Yadav Resident of Village - Konan, P.S.- Ashthawan,
Distt - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Premchandra Yadav

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-09-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 379, 411, 353, 307, 504/34 of the Indian Penal Code and Section 4/40 B.M.M.C.R. and Section 8(d) of the Bihar Transportation and Storage Act and Section 27 of the Arms Act registered in connection with Sare P.S. Case No. 25/2019.

3. It is submitted that the petitioner has been falsely implicated and the accusations are highly improbable considering that he is a differently abled person suffering from 45% locomotor disability by way of PPRP of right lower limb with severe muscle wasting and right foot drop, locomotor disability from right hip joint, as evident from the certificate dated 18.04.2012 (Annexure-2). It is submitted that the tractor illegally loaded with sand was seized from the possession of one Pankaj Kumar who is not a police officer, upon whose confession the petitioner has been implicated. The petitioner is not the owner of the tractor in question nor any concern with the sand illegally loaded therein. There is no injury report to corroborate the accusation of firing or stone pelting. The petitioner claims clean antecedents.

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 CJM, Nalanda at Biharsharif, in connection with Sare P.S. Case No. 25/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following 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 co-operate 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.
- iv. 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.

(Vikash Jain, J)

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