

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.76841 of 2018**

Arising Out of PS. Case No.-256 Year-2015 Thana- PUPRI District- Sitamarhi

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Mithilesh Kumar Paswan @ Mithilesh Paswan, S/o Chalitar Paswan @  
Chalitar Kumar Paswan, R/o Village- Madhopur (Madhpur Mabbi), P.S.-  
Darbhanga Sadar, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr. Arun Kumar

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

2      10-01-2019                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner has been in custody since 18.10.2015 in connection with Pupri P.S. Case No. 256 of 2015 registered for the offense punishable under Sections 395/397 of the Indian Penal Code. Subsequently, Section 396 has also been added after the death of informant's father.

Learned counsel for the petitioner submits that only allegation against the petitioner is that the mobile which was looted from the house of the informant was recovered from the possession of the petitioner. It is further submitted that the said mobile was, in fact, taken by the petitioner as it was found unclaimed. Learned counsel for the petitioner further submits



that the earlier prayer for bail of the petitioner has been rejected twice and on 21.03.2018, the trial Court had been directed to expedite the trial preferably within a period of six months from the date of receipt/production of a copy of the order. It appears that, till date, the said trial has not been concluded.

Considering the nature of allegations made and that the petitioner has not yet been put on T.I. Parade and that the petitioner has got no criminal antecedent, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. III, Sitamarhi, in connection with Pupri P.S. Case N o. 256/2015, subject to the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) 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 reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.



(4) 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.

**(Anjana Mishra, J)**

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