

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5986 of 2020**

Arising Out of PS. Case No.-319 Year-2018 Thana- PATNA GRP CASE District- Patna

MITHLESH KUMAR @ MITHLESH MAHTO @ MITHLESH KUMAR
MAHTO Son of Late Sakaldev Mahto Resident of Village - Naya Tola Simri,
P.S.- Bakhtiyarpur, Distt - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 19-08-2020 Heard learned counsel for the petitioner and Mr.
Umanath Mishra, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Patna Junction (Patna Saheb) P.S. Case
No. 319 of 2018 registered for the offences punishable under
Sections 395 and 397 of the Indian Penal Code.

Learned counsel for the petitioner submits that it is a
case of train robbery, FIR was registered alleging that 10-12
unknown criminals had entered in the two boggies of the train
and had looted the passengers. Some of the mobile phones were
also looted from the passengers and the criminals fled away
with those looted materials. The informant claimed that he can
identify the criminals.



It is the submission of learned counsel for the petitioner that the petitioner is not named in the First Information Report and nothing incriminating has been recovered from his possession. It is his further submission that the name of the petitioner has transpired only in the confessional statement of the co-accused.

On the other hand, learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that considering the seriousness of the offence alleged and the fact that in course of scientific investigation the police was able to seize one of the mobile phones from one Ajay Rai who disclosed that he had purchased the mobile phone from this petitioner on payment of cash Rs.4000/-, the complicity of the petitioner and the materials alleged against the petitioner are such that a custodial interrogation of the petitioner would be required.

Having regard to the facts and circumstances of the case and on perusal of the case diary, on noticing the seriousness of the allegations and the materials such as seizure of the mobile phones which was sold by this petitioner to one Ajay Rai and considering the submission of the learned APP that in the nature of the offence alleged custodial interrogation would be required,



this Court is not inclined to grant privilege of anticipatory bail
to the petitioner.

This application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

