

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5831 of 2020**

Arising Out of PS. Case No.-722 Year-2019 Thana- LAKHISARAI District- Lakhisarai

MITO KUMAR @ MITHLESH KUMAR S/o Vijay Saw Resident of Village-
Pasiya Gali, Ward No.27, P.S.- Kabaiya, Distt- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Surendra Prasad Singh,APP

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

2 26-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory
bail in connection with Lakhisarai (Kabiya) P.S. Case No. 722 of
2019 registered for the offences punishable under Sections 457,
380 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner has been falsely implicated in this case. It is alleged
that the informant had seen the petitioner fleeing away with the
LCD TV in his hand but the fact remains that nobody else has
come forward to say that on Hulla made by the informant
anybody had seen this petitioner fleeing away. Learned counsel
further submits that there is no recovery of any stolen article
from the house of the petitioner and petitioner has got no



criminal antecedent.

Mr. Surendra Prasad Singh, learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that petitioner has been falsely implicated in this case and though it is alleged that the informant had seen the petitioner fleeing away with the LCD TV in his hand but the fact remains that nobody else has come forward to say that on Hulla made by the informant anybody had seen this petitioner fleeing away and further that there is no recovery of any stolen article from the house of the petitioner and that it is a case of false implication because of local enmity and petitioner has got no criminal antecedent, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Lakhisarai (Kabiya) P.S. Case No. 722 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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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'.

