

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20054 of 2020**

Arising Out of PS. Case No.-347 Year-2019 Thana- RAMPUR District- Gaya

Mithlesh Kumar @ Teju Yadav @ Mithilesh Kumar Son of Ramswaroop
Yadav Resident of Village - Belhariya, P.S.- Tekhari, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Opposite Party/s : Mr.Sunil Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 26-06-2020

The matter has been listed with defects.

The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 29.09.2019 in a case registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-B)a/26/35 of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the self statement of Prashant Kumar Singh, S.I. -cum- S.H.O., Rampur P.S. recorded on 27.09.2019 at 5.00 A.M., is to the effect that on 26.09.2019 at 3.30 A.M. during night patrolling, a confidential information



was received that in a car, several persons were sitting in a suspicious condition, consequently, raid was laid and petitioner, Teju Yadav @ Mithilesh Kumar and co-accused Vishal Yadav @ Pandit, Amit Anand Raj, Bittu Kumar @ Shivam Kumar, Khesari @ Santosh Kumar were apprehended. From the possession of the accused persons, several arms and ammunitions were recovered and from the possession of the petitioner, one country made loaded pistol and 3 live cartridges were recovered. Subsequently, the petitioner confessed to have committed several offences.

It is submitted by learned counsel for the petitioner that the petitioner has been apprehended merely on the basis of suspicion, in fact, no recovery has been made from the possession of the petitioner and investigation has already been concluded. Though the petitioner is accused in four other cases but he is on bail in those cases.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner.

Considering the fact that the investigation has already been concluded and similarly situated co-accused persons Khesari @ Santosh Kumar vide Cr. Misc. No. 874 of 2020, Vishal Yadav @ Pandit vide Cr. Misc. No. 5846 of 2020



and Bittu Kumar @ Shivam Kumar vide Cr. Misc. No. 10212 of 2012 have been granted bail by different Co-ordinate benches of this Court, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Judicial Magistrate, Ist Class, Gaya in connection with Rampur P.S. Case No. 347 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Gaya in connection with Rampur P.S. Case No. 347 of 2019.

The learned Court below is at liberty to further



extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Learned counsel for the petitioner undertakes to remove all the defects within three weeks of resumption of the physical court proceeding and in case of non-removal of the defects, the office may place the matter before the Bench.

(Dinesh Kumar Singh, J)

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