

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22494 of 2021

Arising Out of PS. Case No.-336 Year-2020 Thana- JHAJHA District- Jamui

MITHILESH KUMAR Son of Muso Yadav Resident of Village - Sahiya, P.S.-
Jhajha, District - Jamui.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Pankaj Kumar Sinha, Advocate.
For the State	:	Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 06-12-2021 The applicant/accused in Crime No.336 of 2020 registered with Police Station-Jhajha for the offences punishable under Sections 394 and 307 of the Indian Penal Code by this application is seeking his release on bail during the pendency of the trial.

Heard both sides.

Learned counsel appearing for the applicant/accused submits that the applicant was initially arrested in a offence punishable under Section 25 of the Arms Act. After three months, he came to be transferred to the instant crime by seeking remand on 14.12.2020. It is argued that except confessional statement of co-accused Ranjan Kumar Rai, there is no evidence against the applicant.

Learned Prosecutor opposed the application by contending that the crime in question is serious and it is a case of dacoity on the highway wherein an attempt was made to commit the murder of rider by firearms.



I have considered the submissions so advanced and also perused the materials placed before me including the case diary.

The F.I.R. is by Heena Khatoon, a pillion rider on motorcycle of her brother Aftab Ansari. Six persons coming on the motorcycle intercepted them and robbed their valuables. In that process bullet was fired at Aftab Ansari.

Perusal of the case diary shows that the applicant's named is taken in the confessional statement of the co-accused before the police.

Learned counsel for the applicant submits that there is no Test Identification Parade and nothing was recovered from the possession of the applicant who was having no criminal antecedents prior to the registration of the offence under the Arms Act.

In this view of the matter, the following orders:

- (i). The application is allowed.
- (ii). The applicant/accused in Crime No.336 of 2020 registered with Police Station-Jhajha for the offences punishable under Sections 394 and 307 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:
 - (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of



the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

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