

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20831 of 2020

Arising Out of PS. Case No.-296 Year-2016 Thana- JAHANABAD District- Jehanabad

MITHILESH KUMAR @ M. KUMAR, aged about 35 years (Male), S/o Arjun Yadav, Resident of Mohalla-Malahchak, P.S.- Jehanabad, Distt-Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Shivendra Prasad, Advocate.
For the Opposite Party : Mr.Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 22-02-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 302, 201, 120(B), 467, 468, 471 of the I.P.C. and 66 of the Information Technology Act.

The prosecution story, in brief, is that on 22.06.2016 at 8.00 P.M., the brother of the informant, namely, Mantu Kumar, left his home after informing his wife Shila Devi that he is going to home of Mithilesh Kumar (petitioner) who had



called him for taking money. Inspite of late night, he did not come causing anxiety to his wife who told the informant about this and whole family started to search for Mantu. The victim Mantu Kumar himself kept two Mobiles bearing nos. 8083588035 and 7091204544 but the same were switched off. When the informant inquired from the petitioner he told that he paid dues amount of Rs. 25,000/- to Mantu near the ICICI Bank thereafter where he went, the petitioner does not know.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner has been made accused in the present case for oblique reason. The petitioner is not named in the F.I.R. As per the prosecution case, at best, it is a case of last seen. After investigation by the police, the petitioner was not sent up for trial. The said police report was accepted by the learned court below. Subsequently, in course of trial, the petitioner has been summoned under Section 319 of Cr. P.C.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Jehanabad, in connection with Jehanabad P.S. Case No. 296/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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