

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38146 of 2021

Arising Out of PS. Case No.-113 Year-2020 Thana- SHASTRINAGAR District- Patna

Mithilesh Kumar @ Dara, S/O Late Baburam Rai @ Baburam Raut, R/O Village-Mohamadpur Tola @ Mahamadi, P.S-Patahi, District-East Champaran (Motihari)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Veerma, Sr. Advocate
Mr. Bijay Kumar, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned Counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Shastri Nagar P.S. Case No.113 of 2020 registered for the offence punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act.

On receiving information regarding alleged assembly of some criminals plotting a dacoity, police have reached the spot from where the petitioner has been apprehended, possessing a magazine with five live cartridges.

Mr. Yogesh Chandra Verma, learned Senior Counsel appearing for the petitioner submits that the petitioner is in custody since 23.02.2020, based on such recovery. In the instant



case, there is no allegation that any dacoity has been committed and his implication is based on his criminal antecedents in four cases, as per the disclosure made in paragraph 3 of the bail application.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Patna, in connection with Shastri Nagar P.S. Case No.113 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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