

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30401 of 2020

Arising Out of PS. Case No.-6 Year-2020 Thana- PANDARAK District- Patna

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Mithilesh Kumar @ Mithilesh Ram @ Mithilesh Rai @ Bauna, Son of
Krishna Ram, Resident of Village - Nimtal New Colony, Police Station -
Khusrupur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 04-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Pandarak
P.S. Case No.06 of 2020 registered for the offence punishable
under Section 395 of the Indian Penal Code.

It is alleged that the informant's pick-up van was
intercepted by a *scorpio* vehicle on which six unknown persons
were travelling. They have taken away the pick-up van and tied
the informant's hands and legs and snatched the cash, driving
licence etc.

Counsel for the petitioner submits that the
confessional statement of co-accused Azad Kumar and Vikash
Kumar has formed the basis of the petitioner's implication. Such



statement of co-accused has no evidentiary value. The same has led to no recovery from the petitioner and he is in custody since 28.02.2020.

Learned APP submits that the petitioner has criminal antecedents which include allegation of similar offence earlier also against the petitioner. From the order of the court below rejecting the petitioner's prayer, it is apparent that the matter is being investigated in respect of other co-accused persons.

Considering the aforesaid submissions, this Court is not inclined to grant bail to the petitioner. The same is rejected, for the present. This Court, however, would grant liberty to the petitioner to renew his prayer for bail after framing of charges.

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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