

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4271 of 2021

Arising Out of PS. Case No.-85 Year-2019 Thana- BARGAINIA District- Sitamarhi

Mithhulal @ Prince, Son of Kannu Lal @ Chuman Lal @ Pankaj Kumar
Srivastav Resident of Moh.- Maniyari, Police Station- Suppi, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Opposite Party/s : Mr. Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 18-03-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Bairstonia P.S. Case No. 85 of 2019, registered for the offence under Sections 394, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, two unknown bike-borne miscreants on the point of pistol took away cash of Rs. 2,93,000/- (two lacs ninety three thousand) from the informant and it is further alleged that one of the miscreant shot the brother of the informant on head, as a result of which, he died during course of treatment.

It is submitted on behalf of petitioner that petitioner is



not named in the FIR. The name of petitioner has surfaced during course of investigation on the basis of confessional statement of co-accused Dheeraj Kumar @ Neeraj Kumar, who has already been granted bail by this Court, vide order dated 20.09.2019 passed in Cr.Misc. No. 45389 of 2019 (Annexure-5). It is further submitted that no incriminating material has been recovered from the possession of the petitioner and only material, that has come against this petitioner, is that he was working as liner. Petitioner has got clean antecedent and he is in custody since 10.10.2020. Chargesheet has already been submitted.

Considering the fact that only material has come against the petitioner is that he was working as liner coupled with the fact that petitioner has got clean antecedent, the bail application of petitioner is allowed. Let the above named petitioner 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 C.J.M., Sitamarhi/Judicial Magistrate, Sitamarhi/concerned court in connection with Bairginia P.S. Case No. 85 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and



every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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