

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10799 of 2022

Arising Out of PS. Case No.-187 Year-2021 Thana- BIHARIGANJ District- Madhepura

MITTHU YADAV @ MITHILESH KUMAR YADAV @MITHILESH KU
son of Jano Yadav @ Jano Prasad Yadav Resident of Village - Balaitha, Police
Station - Basnahi, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with S.T.
No. 238 of 2021 arising out of Bihariganj P.S. Case No. 187 of
2021 registered for the offences punishable under Sections 392
of the Indian Penal Code.

As per prosecution case, four accused persons on
the point of gun looted a sum of Rs. 6,09,500/- from the
informant and fled away towards Gwalpara.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.08.2021. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that F.I.R. is registered against unknown. The name of the petitioner has been sprang up on the confessional statement of co-accused Ramu alias Ram Ikbali Kumar and Ganesh Kumar Rishideo except this no material is found against the present petitioner. No TIP has been conducted. One of the co-accused persons Rahat Miyan alias Rahat Hussain has already been granted bail as the name of the co-accused Rahat Miyan was also sprang up on the statement of co-accused Ram Ikbali Kumar and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted, there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of petitioner, similarly situated co-accused Rahat Miyan has already been granted by co-ordinate bench and argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner



above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VII, Madhepura in connection with S.T. No. 238 of 2021 arising out of Bihariganj P.S. Case No. 187 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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