

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12459 of 2022

Arising Out of PS. Case No.-18 Year-2020 Thana- PATORI District- Samastipur

=====

MITHLESH KUMAR @ DARA Son of Late Baburam Rai @ Baburam Raut
Resident of Village - Mahamadi Tola, P.s.- Patahi, Distt.- East Champaran.
(Motihari)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sahpur
Patory P.S. No.18 of 2020 registered for the offence under
Section 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 19.10.2020.

The allegation against the petitioner is to commit
dacoity along with other co-accused persons and while
committing so, looted Rs. 10,70,803/- from the LIC branch of
Sahpur Patory, Samastipur.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Manjeet Kumar Choudhary @ Manjeet Kumar, who has already been granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No. 27190 of 2020 dated 05.01.2020. It has further been submitted that in furtherance of said confessional statement, nothing incriminating recovered, which may suggest that the petitioner is connected with present set of dacoity. It has further been submitted that petitioner is involved in 05 criminal cases, out of which, he is on bail in 04 cases and in most of the cases, his name surfaced on the basis of confessional statement of the co-accused. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced on the basis of confessional statement of co-accused, leading no incriminating recovery, connecting, petitioner with the present occurrence



coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Shahpur Patory P.S. Case No. 18 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-IV, Samastipur/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Amlesh Kumar @ Amlesh Patel, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

U		T	
---	--	---	--

