

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13538 of 2022

Arising Out of PS. Case No.-89 Year-2020 Thana- LODIPUR District- Bhagalpur

MITHUN KUMAR, Son of Pambar Yadav @ Parmeshwar Yadav Resident of
Village - Babupur, P.s.- Sabour, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Lodipur P.S. Case No. 89 of 2020, for the offence punishable
under Sections 392, 395 and 412 of the Indian Penal Code.

The prosecution case, in brief, is that the informant,
who is Assistant Sub-Inspector in Lodipur Police Station, got
information on his mobile that near Jhamshi village, a truck
driver was being assaulted and for verification, the infomrant
proceeded towards the place of occurrence and came to know
that four unknown miscreants looted the mobile phone and
money from the truck driver near Jhamshi High School.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is not named in the F.I.R. his name has surfaced on the basis of confessional statement of co-accused Raj Kumar Yadav, who has already been released on bail by a coordinate Bench of this Court vide order dated 23.06.2021 passed in Criminal Miscellaneous No. 7755 of 2021. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 24.01.2022 and till date he has not been put on T.I.P. He further submits that similarly situated co-accused Gyani Kumar and Arun Dom have already been enlarged on bail by a coordinate Bench of this court vide order dated 03.03.2021 passed in Criminal Miscellaneous No. 43 of 2021 and vide order dated 05.04.2021 passed in Criminal Miscellaneous No. 6147 of 2021, respectively.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, there is no allegation of tampering the evidence or influencing the witnesses and the trial is not likely to be concluded in near future. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of



the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Lodipur P.S. Case No. 89 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any



single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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