

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13640 of 2022

Arising Out of PS. Case No.-357 Year-2021 Thana- KORHA District- Katihar

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MITHLESH KUMAR YADAV @ MITHLESH YADAV S/O BHANGHI
PRASAD YADAV R/o- Kamakhya Asthan, Bhawanipu, P.S.- Maranga, Distt.-
Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offence punishable under section 392 of the Indian Penal Code.

As per allegation four accused persons arriving at

motorcycle stopped the informant when he was returning to his home

after completing his business, thereafter informant's motorcycle and

Rs 20,000/- were looted by the accused persons by putting him in

fear by showing arms.

The main submissions advanced by the learned counsel

for the petitioner are that petitioner has got no criminal antecedent,

he was arrested in another case vide Korha P.S. Case no. 360/2021



from which he was remanded in the present case and petitioner has been granted bail by the court below in respect of said Korha P.S. Case no. 360/2021 and as per prosecution petitioner is stated to have confessed his guilt in connection with the present case in his statement recorded by the police in Korha P.S. Case no. 360/2021 except this there is no legal evidence against him, no incriminating articles has been recovered from the possession of the petitioner, he has been languishing in jail since 23.09.2021 and investigation has been completed in respect of the petitioner. Further submission is that during custody, petitioner was not put on TI parade by the police and accordingly, there is no any legal evidence against petitioner to connect him with the alleged crime.

Learned APP opposes the prayer for bail.

Having considered the above submissions mainly petitioner's plea that prosecution is solely relying upon petitioner's statement given before the police during his police custody and he was not put on TI parade. In light of these facts, petitioner deserves privilege of bail. Let the 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 the Chief Judicial Magistrate, Katihar in Korha P.S. Case no. 357/2021 on the following conditions:-

(1) Petitioner shall co-operate 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Korha P.S. Case no. 360/2021 and Korha P.S. Case no. 307/2021 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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