

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21329 of 2022

Arising Out of PS. Case No.-644 Year-2021 Thana- MADHEPURA District- Madhepura

MITHILESH KUMAR @ MONU @ MONU KUMAR @ MITHILESH SAH
S/o Laxman Pd. Sah @ Laxman Sah Resident of Village- Pastpar, Ward
No.10, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-06-2022 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
Madhepura P.S. Case No. 644/2021 registered for the offences
punishable under Sections 399, 402, 212, 414 of the Indian
Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act

As per prosecution case, one country made pistol
loaded with one live cartridge has been recovered from the
possession of the petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has committed no offence. From



perusal of the seizure list, it is crystal clear that no signature was found from the seizure list prepared by the police. The petitioner is in custody since 14.08.2021 and the petitioner bears criminal antecedent of two cases. He further submits that the similar allegation was made against co-accused Manjeet Kumar has already been granted bail by co-ordinate Benche of this Court in Cr. Misc. No. 12533/2022 and co accused Vivek Kumar has already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 3019/2022. The petitioner stands on better footing in comparison to co-accused as stated above.

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

Considering the facts and circumstances of the case as well as period of custody and keeping in view co-accused have already been granted bail and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhepura, in connection with Madhepura P.S. Case No.644/2021, subject to following conditions:-



(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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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