

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34094 of 2021

Arising Out of PS. Case No.-110 Year-2020 Thana- SHASTRINAGAR District- Patna

MITHILESH KUMAR @ DARA Son of Late Baburam Rai @ Baburam Raut
Resident of Village- Mohamadpur Tola @ Mahamadi, P.S.- Patahi, District-
East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

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

The petitioner seeks bail in connection with Shastri Nagar P.S.Case No.110 of 2020, registered for the offence under Section 392 of IPC.

The FIR of the occurrence of loot is against unknown.

Learned counsel appearing for the petitioner submits



that the petitioner is not named in the FIR. He has falsely been implicated in the present case only on the basis of the confessional statement of co-accused, namely, Rajbeer Singh @ Chotu and Vipul Sharma. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no T.I. Parade has been conducted by the prosecution. He further submits that the police, after investigation, submitted chargesheet against the petitioner and other co-accused person and the petitioner is in custody since 26.02.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the fact and circumstances of the case, let the petitioner, above named, 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 learned A.C.J.M.-IV, Patna in connection with Shastri Nagar P.S.Case No.110 of 2020 with 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 and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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