

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36690 of 2021

Arising Out of PS. Case No.-883 Year-2019 Thana- BIHTA District- Patna

MITHILESH KUMAR S/o Jagat Rai R/o village- Mahabir Nagar, P.S.- Bihta,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Deo Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-03-2022 Supplementary affidavit has been filed on behalf of

the petitioner for making necessary correction in para 16 of the

bail petition.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Bihta P.S.
Case No. 883 of 2019 registered for the offences punishable
under Sections 363 and 365 of the Indian Penal Code and later
on, the charge sheet has been submitted under Sections 364,
302, 201, 120(B), 379 of the I.P.C. and Section 27 of the Arms
Act.



The prosecution case, in short, is that on 16.09.2019 the son of the informant had gone from the house after calling by unknown person on his mobile and, when the informant called him, he replied that he is in the village and will return after an hour. But after sometime, as per allegation, the mobile phone of the son of the informant went switched off and, since then, the son of the informant is traceless.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and has falsely been implicated in the present case only on the basis of confessional statement of the co-accused, namely, Jugesh Kumar. He further submits that during investigation, except the confessional statement of the co-accused, nothing incriminating has come against the petitioner. Learned counsel for the petitioner further submits that the police, after investigation, submitted the charge sheet against the petitioner and other accused persons and the petitioner is languishing in judicial custody since 05.10.2020.

Learned Additional Public Prosecutor has vehemently opposed the prayer for bail but, fairly submits that petitioner carries no criminal antecedent.

Considering the aforesaid facts and circumstances, 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 the learned Additional Chief Judicial Magistrate-V, Danapur, Patna in connection with Bihta P.S. Case No. 883 of 2019, subject to 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 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. 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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