

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50944 of 2021

Arising Out of PS. Case No.-53 Year-2020 Thana- VAISHALI District- Vaishali

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Mithalesh Kumar @ Mithalesh Bhagat S/O Narayan Bhagat @ Ram Narayan Bhagat Resident Of Village- Lalpura Baudha Tola, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Prasad, Adv

For the Opposite Party/s : Mr.Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 10-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Vaishali P.S. Case No. 53 of 2020 for the offences punishable under Sections 395 of the Indian Penal Code.

As per the prosecution case, it is alleged that unknown miscreants intercepted the informant and looted cash of Rs 1,51,000/- and other valuables.

Learned counsel for the petitioner submits that



FIR has been instituted against unknown miscreants and during the course of investigation, the name of the petitioner has surfaced on the confessional statement of co-accused Satish Kumar and save and except the confessional statement, there is no other material which suggests the complicity of the petitioner in the crime. It is next submitted that other co-accused persons namely, Sonu Kumar and Parvindar Paswan have already been granted bail by co-ordinate Bench of this Court in Cr. Misc. No. 36604 of 2020 vide order dated 01.02.2021 and Cr. Misc. No. 51684 of 2021 vide order dated 21.01.2022 respectively. It is further submitted that no incriminating material has been recovered from the person and possession of the petitioner and he is in custody since 24.06.2021, though the investigation of the crime is concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that he has been found involved in one another case.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is



neither named in the FIR nor any incriminating material has been recovered and moreover, other co-accused persons having identical allegation have already been granted bail by learned co-ordinate bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, Hajipur in connection with Vaishali P.S.Case No. 53 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 cancelling 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.

(Harish Kumar, J)

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