

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56153 of 2021

Arising Out of PS. Case No.-550 Year-2019 Thana- BARH District- Patna

Mithilesh Kumar @ Mithilesh Ram @ Mithlesh Kumar S/O Krishna Ram
R/O Village-Neemtal, New Colony, P.S-Khushrupur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 05-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Barh P.S.
Case No. 550 of 2019 registered for the offence under Section
395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 30.05.2020.

The allegation against the petitioner is to commit
dacoity, alongwith other co-accused persons, while committing
so taken away valuable goods total cost of Rs. 15,40,000/-
alongwith cash of Rs. 920/- and mobilephone belongs to
informant.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Vikash Kumar and Azad Kumar, where nothing surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with present occurrence of dacoity. It is further submitted that petitioner involved in 5 more criminal cases and out of said suspicion arises out of criminal antecedents, where he is on bail in 4 cases, named in present case also, where in maximum of the cases, the name of petitioner surfaced on the basis of confessional statement, as of the present case. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded the fact that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced to connect this petitioner with present occurrence, where petitioner is in custody since 30.05.2020 coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Barh P.S. Case No. 550 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional C.J.M.-I, Barh, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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