

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47963 of 2022**

Arising Out of PS. Case No.-36 Year-2017 Thana- SAHEBPUR KAMAL District- Begusarai

Mithilesh Kumar @ Mithu S/o Awadhesh Singh R/o Village- Badpur, P.S.-
Maranchi, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

from today.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Sahebpur Kamal P.S. Case No. 36 of 2017

registered for the offences punishable under Sections 406, 409,
420, 379, 414, 467, 468, 471, 401/34 of the Indian Penal Code.

He is in custody since 29.05.2022. The petitioner has got no

criminal antecedent.

Learned counsel for the petitioner submits that as per

the prosecution story, the petitioner and other co-accused

persons are alleged to have withdrawn money from different



ATMs fraudulently.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused Raju Kumar who was apprehended by police and the said Raju Kumar has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 27470 of 2017. It is submitted that the petitioner is in custody in connection with this case since 29.05.2022 and he has no criminal antecedent.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused Raju Kumar who was apprehended by police, the said Raju Kumar has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 27470 of 2017 and in connection with the present case, the petitioner is in custody since 29.05.2022 and he has otherwise no criminal antecedent, therefore, this Court directs that the petitioner above named be released on bail



on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned ACJM, Ballia in connection with Sahebpur Kamal P.S. Case No. 36 of 2017, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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