

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61903 of 2021**

Arising Out of PS. Case No.-33 Year-2021 Thana- KHAIRA District- Jamui

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MITHILESH YADAV @ MITHU YADAV Son of Sanjay Yadav Resident of
Village- Acharyadih, P.S.- Sikandra, District- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 13-04-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 399 and 402 of the Indian Penal
Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one loaded country
made pistol along one live cartridge from the possession of
the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that according to
the F.I.R and seizure list, one loaded country made pistol
along with one live cartridge are said to have been recovered



from the possession of the petitioner but, in fact, nothing has been recovered from the conscious possession of the petitioner rather the police has planted the story and shown the recovery from the petitioner's possession. Moreover, the co-accused, namely, Prakash Yadav, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.11.2021 passed in Cr. Misc. No. 31169 of 2021. The petitioner is rotting in judicial custody since 07.02.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Court below where the case is pending in connection with Khaira P.S. Case No. 33 of 2021 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 canceled 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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