

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52774 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- BATH District- Bhagalpur

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MITHUN PATHAK SON OF LATE NAKUL PATHAK RESIDENT OF
VILLAGE- KODANDA, P.S. SHAHKUND, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bath P.S.
Case No. 56/2021 registered for the offences punishable under
Section 392 of the Indian Penal Code.

As per prosecution case, the informant was going to his
house on his motorcycle then three persons on a Bullet motorcycle
overtook and snatched the informant's motorcycle. It is stated by
the villager that the petitioner was one among them who fled
away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this case



due to suspicion and dirty village politics. The petitioner is languishing in custody since 05.04.2022 and bears criminal antecedent of six cases and in all cases he is on bail. The petitioner is not apprehended on the spot and no incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has not been put on T.I. Parade till date. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar allegation co-accused, Anish Kumar @ Anish Kumar Singh has already been granted bail by this Court vide Cr. Misc. No.20301/2022 as mentioned in Annexure-2 of the bail petition.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, on similar allegation co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate-XIII, Bhagalpur in connection with Bath
P.S. Case No. 56/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or
sister or brother or wife or the person who has sworn the affidavit
in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates without
appropriate permission, would be a ground for cancellation of bail
by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time
of furnishing bail bond and the said mobile number shall continue
in operating condition till disposal of the case and he shall get his
presence marked before the officer-in-charge of the concerned
police station on the first Tuesday of every month.

(v) Petitioner shall not live the territorial jurisdiction of
the concerned trial court without appropriate permission of the
court concerned.

(Alok Kumar Pandey, J)

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