

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69103 of 2021

Arising Out of PS. Case No.-159 Year-2021 Thana- GORIAKOTHI District- Siwan

Mithilesh Kumar Yadav, S/O SURENDRA YADAV R/o village- Survir, P.S.-
Maharjganj, Distt.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Advocate
		Ms. Usha Kumari 1, Advocate
For the Opposite Party/s :		Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Goreyakothi P.S. Case No. 159 of 2021 registered for the alleged offences under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner and his brother in-law riding a motorcycle, were surrounded by four miscreants on a bike. They tried to snatch the motorcycle and mobile phone of the informant and when they resisted the robbery,



the two of the miscreants fired upon them and other two miscreants stabbed them with knives. The name of the petitioner transpired as an accused during investigation.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and nothing has been recovered from his conscious possession. He is named in this case merely on suspicion. Charge sheet has been submitted in this case and the petitioner is in custody since 21.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the recovery of the looted mobile phone was made from this petitioner and this fact has come up in the paragraph 60 and 62 of the case diary.

Perused the records.

Having regard to the facts and circumstances and considering the period of custody of this petitioner along with submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Siwan in connection with Goreyakothi P.S. Case No. 159 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also



the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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