

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71964 of 2021

Arising Out of PS. Case No.-335 Year-2020 Thana- CHHATAPUR District- Supaul

Mithlesh Kumar Yadav @ Mithu, S/o Balram Yadav R/o Village- Kushmol,
P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-05-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Chhatapur P.S. Case No.335/2020 (G.R. No.2490/2020)
instituted under Section 394 of the Indian Penal Code.

The allegation in the FIR is that when the informant
was coming back from Gidharpatti Kathara after collection of
money, he was intercepted by three unknown miscreants riding
on motorcycle and after attacking him on his face and on the
point of pistol they snatched his SIM No.9771149513 as also
cash amount of Rs.12750/-. Meanwhile local people came and
snatched the key of the motorcycle of the accused persons
whereafter other villagers also assembled. While one of them
was apprehended, the others succeeded in fleeing away. The



persons apprehended named this petitioner as also another co-accused and it is in this way that he came into judicial net.

Learned counsel for the petitioner submits that he was neither apprehended from the spot nor had anything to do with the case, he was named by Vijay Kumar Paswan who was apprehended from the spot and on the said basis he is in jail since 03.09.2021 and has no criminal antecedent.

Considering the fact that the charge-sheet has been submitted, the petitioner is in jail since 03.09.2021 and has no criminal antecedent, this Court is inclined to grant him privilege of bail. However, if it is found he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chhatapur P.S. Case No.335/2020 (G.R. No.2490/2020) to the satisfaction of learned Chief Judicial Magistrate, Supaul, subject to following conditions:

- (i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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