

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71852 of 2021

Arising Out of PS. Case No.-578 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

=====

MANOJ SAH S/o- Late Ganesh Sah Resident of Village - Chehrakala, P.S. -
Goraul (Kathara O.P.), District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 64 of 2022

Arising Out of PS. Case No.-578 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Ravi Bhushan Kumar Son of Ramchandra Ray Resident of Village- Asadpur
Pakahi Urf Pakohi, P.S- Maniyari, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 416 of 2022

Arising Out of PS. Case No.-578 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

=====

MITHILESH KUMAR SINGH @ PAPPU S/o Gorakhnath Bhagat @
Gorakhnath Singh Resident of Village-Saray Afjal, Police Station-Goraul,
District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 71852 of 2021)

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Ashok Kumar

(In CRIMINAL MISCELLANEOUS No. 64 of 2022)

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Uday Pratap Singh

(In CRIMINAL MISCELLANEOUS No. 416 of 2022)



For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 04-07-2022

Ref: Cr. Misc. No.416/2022

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, Mithilesh Kumar Singh @ Pappu seeks bail in connection with Muzaffarpur Sadar P.S. Case No. 578/2021 registered for the offences punishable under Sections 395, 397 of the Indian Penal Code and after investigation police has filed charge sheet under Sections 395, 397, 400, 412, 414 of the Indian Penal Code.

As per prosecution case, the written compliant of Mahindra Paswan who has alleged that he is a cleaner of Truck No. BR030G-3847 in which 20 tons mustard oil was loaded. The driver, Rajesh Paswan went away after parking the said truck near Hotel Atithi in western lane. While he was sleeping on the bonnet of said truck in the night of 22.08.2021 he felt moving away of said truck. On being raised alarm the said truck was speed up and stopped at Maricha Chowk where he was got down from the truck and forcibly made him to sit on a



motorcycle. 5-6 miscreants were armed with pistol assaulted the informant by means of butt of pistol due to which the informant sustained head injury and blood started oozing. The miscreants looted away the said truck loaded with mustard oil. The informant and local people assembled there and they called the police.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The FIR has been lodged against unknown persons and on the basis of confessional statement of co-accused, Neeraj Kumar the alleged mustered oil was recovered from the Godown of the present petitioner who was apprehended by the police from the place of occurrence, which is mentioned in para 40 of the case diary. He further submits that the said Godown had been rented to co-accused, Munna Shah @ Ashish Kumar for business purpose by the father of the present petitioner and rent agreement has been annexed at Annexure-2 of the bail application. The name of petitioner has been surfaced on the basis of confessional statement of co-accused, Neeraj Kumar as mentioned in para 36 of the case diary. He further submits that no incriminating articles has been from the possession of the petitioner and no T.I. Parade was conducted. The petitioner is



languishing in custody since 26.08.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the looted mustard oil was recovered from the premises of present petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted, no incriminating articles was recovered from the possession of the petitioner as submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner Mithilesh Kumar Singh @ Pappu be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 578/2021, 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 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.

Ref: Cr. Misc. No. 71852/2021 and

Cr. Misc. No.64/2022

Heard the parties.

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

Call for a report from the court of learned C.J.M., Muzaffarpur, regarding present stage of trial in connection with Muzaffarpur Sadar P.S. Case No. 578/2021 as well as how much time will be taken by the concerned court itself to conclude the trial of aforesaid case and list Cr. Misc. No. 71852/2021 and Cr. Misc. No.64/2022 on 08.08.2022 or after receipt of the same, whichever is earlier.

(Alok Kumar Pandey, J)

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