

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16117 of 2023**

Arising Out of PS. Case No.-415 Year-2020 Thana- MAJHAULIA District- West Champaran

MITHUN RAM @ MITHUN KUMAR S/O SRI SHIV MAHTO Resident of
Village- Lalu nagar, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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

2 12-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Majhaulia
P.S. Case No. 415 of 2020 dated 12.06.2020 registered for the
offence under Sections 393 of the Indian Penal Code and charge-
sheet has been submitted under Sections 397 and 398 of the
Indian Penal Code and Section 27 of the Arms Act.

Some unknown miscreants are alleged to have tried to
snatched the bag containing cash of the informant however,
somehow he managed to rescue himself.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case on the disclosure made by the accused persons, namely,
Saif Ali. He further submits that the petitioner has not been



named in the F.I.R. but his statement has been recorded in connection with Naurangiya P.S. Case No. 36 of 2020 in which he has confessed his guilt before the police and remanded in this case. Save and except the confessional statement of the co-accused and later on his self confession, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the co-accused, Rintu Ojha @ Siddhanath Ojha has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.10.2021 passed in Cr. Misc. no. 22081 of 2021. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 13.11.2020

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eight 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 Chief Judicial Magistrate, West Champaran at Bettiah in connection with Majhauria P.S. Case No. 415 of 2020 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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