

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37320 of 2023

Arising Out of PS. Case No.-315 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

Mithlesh Rai S/o Ramayan Rai, R/o Village- Bahrapur, P.S.- Baikunthpur,
Distt.-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-07-2023 Let the defect, if any, be removed within two weeks
from today.

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

3. The petitioner seeks regular bail in connection with
Baikunthpur P.S. Case No. 315 of 2020 dated 24.09.2020 lodged
under Sections 399 and 402 of the I.P.C. read with Section 25(1-
b)a/26/35 of the Arms Act.

4. Learned counsel for the petitioner submits that the
prime offence under this F.I.R. is recovery of arms from the
possession of one Pappu Singh on whose disclosure the name of
petitioner has figured in this case. Counsel further submits that
petitioner is innocent and has committed no offence. He further
submits that nothing was recovered from possession of the

petitioner and his name has figured in this case only and only by virtue of the confessional statement of the co-accused from whose possession arms etc. were recovered. Counsel further submits that the name of the petitioner has come in this case only at the instance of the police because there were in total 12 criminal cases pending against the petitioner and out of 12 cases, he is on bail in 10 criminal cases. Counsel further submits that petitioner is in custody since 15.02.2023 and he also undertakes that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Baikunthpur P.S. Case No. 315 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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