

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52433 of 2022**

Arising Out of PS. Case No.-364 Year-2021 Thana- MADANPUR District- Aurangabad

MITHLESH KUMAR @ MITHLESH SINGH BHOKTA SON OF GANESH
SINGH RESIDENT OF RAMABANDH P.S. MADANPUR, DIST.-
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha. APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 16-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 435, 427, 124(A), 120(B) of the Indian Penal Code and read with Sections 3, 4 and 5 of the Explosive Substances Act and Sections 16, 18 and 20 of the Unlawful Activities (Prevention) Act.

As per the prosecution case, Naxals under the leadership of Sandeep Yadav and Vivek Yadav had blown up the



Panchayat Sarkari Bhawan and set ablaze an electric generator.

It is further alleged that one *Chowkidar* Manoj Kumar Paswan had seen the petitioner along with the other co-accused persons going towards Chandelpur with gas cylinders and bombs in their hands.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The similar situated co-accused person Raj Kumar Singh Bhokta has already been granted anticipatory bail by this Court *vide* order dated 03.01.2023 passed in Cr. Misc. No. 50179 of 2022. The petitioner has clean antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Madanpur P.S. Case No. 364 of 2021, subject to



the condition as laid down under Section 438(2) of the Code of Criminal Procedure and also the following conditions :-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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