

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62059 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- MOKAMAH District- Patna

MITHLESH KUMAR son of Kiro Mahto @ Kiro Bind Village- Barhpur Bind
Toli Ps- Mokama Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-09-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 379, 399,
402 of the Indian Penal Code and 25(1-b)a, 26, 35 of the Arms
Act.

3. As per prosecution case, the co-accused persons
were apprehended on the spot and from their possession several
incriminating articles along with a motorcycle were recovered
and they also confessed name of the petitioner as their associate.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case merely on the basis of
confessional statement of co-accused. Neither the petitioner was



apprehended on the spot nor he was put on TIP. It is further submitted that no incriminating article has been recovered from his conscious possession. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 12.07.2023 passed in Cr. Misc. No. 40410 of 2023. Moreover, the petitioner is languishing in judicial custody since 05.07.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mokama P.S. Case No. 50 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court.

(Sunil Kumar Panwar, J)

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