

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67291 of 2022**

Arising Out of PS. Case No.-153 Year-2022 Thana- SINGHESHWAR District- Madhepura

MITHLESH RAM Son of Ramdeo Ram R/V- Budhabe, P.S- Singheshwar,
Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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

3 20-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 28.06.2022, in connection with Singheshwar P.S. Case No. 153/2022, F.I.R. dated 28.06.2022, for the offences punishable under Sections 394 of the Indian Penal Code and Sections 25(1-b)a, 27, 35 of the Arms Act.

According to prosecution case, when the informant was returning from office, three unknown miscreants having armed with weapons on one motorcycle came near the informant and tried to loot and one of them fired upon the informant but anyhow the informant was saved and thereafter the nearby people came then the accused persons fled away but one of the miscreants was caught by the nearby people, who



disclosed his name as Samsad.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of disclosure made by the co-accused, namely, Md. Samsad. He further submits that the petitioner was not apprehended on the spot and nothing has been recovered from conscious possession of the petitioner and till date no T.I.P has been conducted by the prosecution. He further submits that co-accused, namely, Dilip Chauhan has been granted bail vide order dated 04.01.2023 passed in Cr. Misc. No.54207/2022 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.06.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned C.J.M., Madhepura, in connection with Singheshwar P.S. Case No. 153/2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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