

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70948 of 2023

Arising Out of PS. Case No.-294 Year-2023 Thana- CHAKIA District- East Champaran

Mithlesh Kumar Son Of Umakant Ray R/O Village- Mangalpur Huseni, P.S.-
Dumariya Ghat, Huseni, Dist- East Champaran

... .. Petitioner/S

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Uday Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Chakiya P.S. Case No. 294 of 2023 lodged under Sections 414
& 34 of the I.P.C.

3. As per the prosecution case, the total recovery of
904 liter Salimar paints has alleged to be made, which is subject
matter of the present case.

4. Learned counsel for the petitioner submits that the
said recovery has been made from one vehicle of which the
petitioner is neither driver, co-driver, khalasy nor owner of the
vehicle. He submits that he has taken the lift on the said vehicle.
In the meantime, police raid and the petitioner and another were
arrested.



5. Counsel for the petitioner further submits that petitioner is in custody since 12.08.2023 having clean antecedent. Counsel further submits that the section under which the case has been lodged, is magisterial triable in nature.

6. Learned counsel for the State opposes the prayer for bail.

7. 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 C.J.M., Motihari, East Champaran in connection with Chakiya P.S. Case No. 294 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

Prakashmani/-

U		T	
---	--	---	--

