

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72891 of 2023

Arising Out of PS. Case No.-600 Year-2023 Thana- LAKHISARAI District- Lakhisarai

MITHLESH KUMAR SON OF PARMANAND SAH RESIDENT OF
MOHALLA PUNJABI, WARD NO.25, P.S. - KABAIYA, DISTRICT -
LAKHISARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023

Heard the parties.

The petitioner is an accused in connection with Kabaiya P.S. Case No. 600 of 2023 registered for the offences under sections 25(1-b), (a-Ac), 26(i) and 35 of the Arms Act and section 4/5 of the Explosive Substantive Act lodged on 06.08.2023 by the informant, Bal Mukund Rai.

As per the prosecution story, the allegation is that the police raided the house of one Govinda Kumar and recovered country made revolver and six cartridges as also one hand grenade. Further, on his confession raided the house of Mukesh Ram and recovered automatic loaded pistol. The allegation against this petitioner is that he used to supply the arms. Accordingly, the FIR.

Learned Counsel for the petitioner submits that there



is no recovery from him and/or his house and only because of allegation/confession made by the accused persons, he has been implicated by the police. Further, he do not have criminal antecedent and is in custody since 11.08.2023 (as stated in paragraph 9 of the bail application).

The last submission is that earlier he had already preferred informatory petition regarding his implication by the police.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that as per the allegation he used to supply the arms.

Taking into account the submissions put forward by the learned Counsel for the petitioner as also the fact that there has not been any recovery from his house or his personal possession, is in custody since 11.08.2023 and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned C.J.M., Lakhisarai in connection with Kabaiya P.S. Case No. 600 of 2023, subject to the 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next 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 evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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