

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71795 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- BHADAUR District- Patna

MITHLESH KUMAR S/O Janardan Mahto @ Jano Mahto R/O Village-
Pokharpar, P.S- Bhadaur, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case being Bhadaur P.S.
Case No. 75 of 2021 registered for the offence under Sections
25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one country made rifle
along with three live cartridges from the possession of the co-
accused, Vikash Kumar.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that it
appears from the F.I.R. and the seizure list that one country made
rifle along with three cartridges have been recovered from the
possession of the co-accused, Vikash Kumar and on his



disclosure, name of this petitioner surfaced in this case. In fact, nothing has been recovered from the conscious possession of the petitioner. Save and except the confession of the co-accused, no cogent material has transpired in this case against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.08.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned J.M.-1st Class, Barh, Patna in connection with Bhaduar P.S. Case No. 75 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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