

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73013 of 2022**

Arising Out of PS. Case No.-613 Year-2022 Thana- NAGAR District- Vaishali

Mithilesh Kumar Son of Ram Pravesh Sah R/v- Haat Road Sarai, P.S.- Sarai,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

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

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

3 28-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
14.08.2022 in connection with Hajipur Town P.S. Case No. 613
of 2022, F.I.R. dated 13.08.2022 for the offences punishable
under Sections 414/34 of the Indian Penal Code and Sections
25(1-b)a, 26 and 35 of the Arms Act.

According to prosecution case, one Balwant Kumar
Paswan who was involved in Muthut Finance Gold loot case
was apprehended by the police where he disclosed that he has
sold the looted gold to different persons including the petitioner.



It is further stated that the petitioner's shop was raided where he confessed that he has purchased the gold from Balwant Kumar Paswan.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case on the basis of the disclosure made by the co-accused person, namely, Balwant Kumar Paswan @ Balam Paswan. He further submits that as per the allegation as alleged in the F.I.R., the co-accused has sold the looted gold in question to the petitioner. He further submits that in fact, the petitioner has purchased the gold which was recovered from his house on different dates from PMJ Gold Pvt. Ltd., Patna with tax invoice. He further submits that thereafter, the petitioner has remanded in the Hajipur Town P.S. Case No. 1052 of 2019 but he was granted bail by the learned Court below itself. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 613 of 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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