

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40803 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- UDAKISHUNGANJ District- Madhepura

Mithilesh Kumar Yadav @ Mithilesh Kumar @ Mithu Kumar @ Mithun
Kumar S/O Janu Prasad Yadav @ Jani Yadav @ Jano Yadav R/O Village-
Balaitha, Ward No. 04, P.S- Basnahi, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Navin Kr. Pandey,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioner seeks bail in connection with

Udakishunganj P.S. Case No. 24 of 2024 registered for

the offence under Sections 395 of the I.P.C. and Section

27 of the Arms Act.

3. The petitioner is not named in the F.I.R. and is

in custody since 01.02.2024.

4. The allegation against the petitioner is to

commit dacoity, where cash of Rs. 8,06,140/- along with

several electronic devices like tab, bio-metric machine,

scanners, chargers, mobile phones etc. were looted from



the informant.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of recovery of mobile phone which is alleged to be looted during the course of occurrence. It is pointed out that the mobile in issue was purchased by the petitioner and on the basis of said recovery, he was implicated with the present case. It is also pointed out that neither the petitioner nor the recovered mobile was put on TIP as to connect the petitioner with alleged crime in question. It is further submitted that the mobile was recovered from the house of the petitioner which is occupied by several family members without compliance of Section 100(4) of the Cr.P.C. and as such it cannot be said that the mobile which is alleged to be recovered from the petitioner was recovered from his conscious physical possession. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of



tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of the aforesaid facts and circumstances as prima-facie the recovered looted mobile which is the sole basis of implication of the petitioner with present crime in question not appears to be made recovered from his conscious physical possession where the petitioner was also not put on TIP, coupled with fact that charge-sheet has already been submitted and the petitioner is in custody since 01.02.2024, let the petitioner, above named, is directed to be released on bail in connection with Udakishunganj P.S. Case No. 24 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-1st, Udakishunganj, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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