

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 57391 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Mithlesh Kumar Das @ Mithilesh Kumar Das Son of Yogendar Das @
Jogindra Das Resident of Village- Narhan, Near Pani Tanki, P.S.- Bibhutipur,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard Mr. Mrityunjay Kumar, learned Advocate for
the petitioner and learned Additional Public Prosecutor for the
State.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with Bibhutipur P.S.
Case No. 166 of 2024, registered for the offences punishable
under Sections 399, 402/34 of the Indian Penal Code.

3. The police on a tip off assemblage of miscreants
conducted raid and apprehended two persons. On search, four
live cartridges have been recovered from the possession of the
petitioner.

4. Learned Advocate for the petitioner contended that
the false implication of the petitioner is writ large for the simple
reason that the recovery of cartridges without arms is of no use



and in fact only on account of the fact that when the raid was conducted he was present there, his name has been implicated in this case showing recovery from his possession. It is next contended that there are various infirmities in the search and seizure, apart from the fact that the witnesses are non-else but the police personnels. Now the petitioner is in custody since 04.06.2024 having no criminal antecedent.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of recovery, coupled with the fair antecedent and also the fact that the investigation of the crime is complete and the chargesheet has been submitted, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Rosera or successor Court, Rosera, District Samastipur in connection with Bibhutipur P.S. Case No. 166 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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