

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64247 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- Madhusudanpur District- Bhagalpur

Mithilesh Kumar Son of Bilash Mandal @ Vilas Mandal Resident of Village -
Ganoura Badarpur, P.S.- Madhusudanpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-10-2024

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Madhusudanpur P.S. Case No. 36 / 2024 dated 20.04.2024 registered for the offence under Sections 399, 402 of the I.P.C. and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per the prosecution case lodged by the Police Officer on 19.04.2024 the Police received a secret information that 3-4 miscreants along with weapons were sitting in a garden and was preparing a plan for dacoity. Upon such information, Police proceeded towards the place of occurrence and upon seeing the Police party, the accused persons started fleeing away, however, the present petitioner was apprehended from the spot. He also disclosed the name of the persons, who succeeded in fleeing away. On search, several types of illegal weapons,



arms and ammunition along with one red colour Glamour motorcycle were recovered at the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is having no criminal antecedent and he has falsely been implicated in this case due to suspicion, ulterior motive of the police personnel and dirty village politics. He next submits that the hut and motorcycle from where the illegal weapons, arms and ammunition were recovered does not belong to the petitioner. He next submits that nothing has been recovered from the conscious possession of this petitioner and falsity of recovery would be evident from the Seizure list itself in which there is no signature of the petitioner whereas it has been said that all recovered has been made at the place of occurrence that too in presence of this petitioner. He next submits that there is totally non-compliance of Section 100 of Cr.P.C. He further submits that the petitioner is in custody since 20.04.2024 . The co-accused / Lokesh Tanti has been granted anticipatory bail by the learned Additional Sessions Judge-II, Bhagalpur himself.

5. Regard being had to the submissions made by the parties, taking into consideration the gravity of the offence and the fact that two country made pistol, one rusted counter made pistol, one magazine of pistol, 80 pieces of bullet, two live



cartridge and two misfire cartridges have been recovered from the place of occurrence and petitioner was apprehended from the spot, I am not inclined to grant anticipatory bail to the petitioner.

6. The prayer for grant of anticipatory bail is rejected.

7. However, the petitioner may renew his prayer for bail after completion of nine months if the trial does not show progress.

(Anil Kumar Sinha, J)

HarshPandey/-

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