

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67170 of 2024

Arising Out of PS. Case No.-697 Year-2020 Thana- SITAMARHI District- Sitamarhi

Mukesh Kumar Son of Late Nagendra Ray Resident of Village-
Vishwanathpur, P.S.- Dumra, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-11-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Sitamarhi P.S. Case No. 697 of 2020 instituted for the offences
under Section 379 of the Indian Penal Code.

3. As per prosecution case, the F.I.R. named accused
Akhilesh Paswan committed theft of 30 live cartridges from a
Constable of SC/ST Sitamarhi and sold some of the cartridges to
the petitioner. When the police raided the shop of the petitioner,
he tried to flee away but, was caught and from his possession,
two live cartridges were recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the confessional statement of the co-accused Akhilesh Paswan which was recorded in the year 2020. As per prosecution case, the police has recovered two cartridges from the shop of the petitioner for which a case has already been filed by Dumra police station bearing Dumra P.S. Case No. 411 of 2020 in which the petitioner has already been granted bail on 02.07.2021. The charge-sheet has been submitted against the co-accused Akhilesh Paswan and the cognizance has also been taken against him on 05.04.2021. He further submits that the petitioner is in custody since 26.07.2024 in connection with Sitamarhi P.S. Case No. 697 of 2020 but, the recovery was already made in connection with Dumra P.S. Case No. 411 of 2020 and the petitioner was remanded subsequently by the police for the same occurrence in which the confessional statement of the petitioner was already recorded. The petitioner has six criminal antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The police has recovered two live cartridges from the



shop of the petitioner. The petitioner has also six criminal antecedents and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sitamarhi P.S. Case No. 697 of 2020, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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