

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73197 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- RAHUI District- Nalanda

Mithlesh Kumar @ Mithilesh Kumar, aged 23 years (Male), Son of Tuntun Tanti, Resident of Village- Khamhar, P.S.- Mufsil, Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ganesh Sharma, Advocate

For the Opposite Party : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Rahui P.S. Case No. 141 of 2024 dated 15.03.2024 registered for the offences punishable under Sections 414 of the I.P.C., 25(1B)a, 26 and 35 of the Arms Act and 21 of the N.D.P.S. Act.

3. As per the prosecution case, the petitioner was apprehended in Rahui P.S. Case No. 85 of 2024 and he disclosed the name of the other co-accused persons and from their possession arms and ammunition, contraband and vehicle alongwith other articles were recovered.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the



present case. It is submitted that the petitioner has been remanded in the present case from Rahui P.S. Case No. 85 of 2024 and on his confessional statement, other co-accused persons were arrested and from their possession, arms and ammunition, contraband and vehicle alongwith other articles were recovered. Nothing incriminating article has been recovered from his possession. There is no compliance of Section 100 of the Cr.P.C. The petitioner has no concern with the alleged offence. The other co-accused persons Satyendra Kumar Giri and Amit Kumar have already been granted bail by a Bench of this Court vide Cr. Misc. No. 57103 of 2024 under order dated 20.08.2024 and other co-accused person, Satish Kumar, has also been granted bail by a Bench of this Court vide Cr. Misc. No. 57156 of 2024 under order dated 21.08.2024, annexed as Annexures-2 and 3 to the present bail petition. The petitioner has six criminal antecedents and in four cases, he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 05.03.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on



furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Nalanda, Biharshariff/court concern, Nalanda, Biharsharif, in connection with Rahui P.S. Case No. 141 of 2024 with further conditions:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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