

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17668 of 2025

Arising Out of PS. Case No.-568 Year-2024 Thana- JAKKANPUR District- Patna

Mithlesh Kumar @ Mithlesh Kumar Sah Son of Suraj Sah Resident of
Village- Khonha, P.S.- Bihra, Distt- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Jakkanpur P.S. Case No. 568 of 2024 instituted for the offences
under Sections 140(3) of the B.N.S. and Section 25(1-B)a, 26,
35 of the Arms Act.

3. As per prosecution case, the accusation against the
petitioner is that he along with his associates kidnapped the
Informant along with his friend Ajit and demanded ransom
money from their family telephonically. It is also alleged that
the Informant anyhow managed to escape from there and told
the entire incident to the police.

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



due to ulterior motive of the Informant. Learned counsel for the petitioner submits that after lodging of the F.I.R., the police arrested the petitioner along with Duster car bearing Regd. No. BR01BQ 0011 and one mobile of Vivo company and, except this, nothing incriminating has been recovered from his possession. He further submits that the after arrest, the police took signature of the petitioner on the plain paper and recorded the so-called confessional statement of him which has no evidentiary value in the eye of law. Charge-sheet has been submitted in this case and, there is no chance of tempering of the evidence. The petitioner has no concern with the alleged occurrence. Not a single independent witness has come forward to support the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.10.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused persons have already been granted by the Co-ordinate Bench of this Court vide orders dated 07.03.2025 and 19.02.2025 passed in Cr. Misc. 11234 of 2025 and 9392 of 2025 respectively.

6. 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 is serious in nature.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, 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 Jakkanpur P.S. Case No. 568 of 2024, 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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