

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60672 of 2025

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

Mithilesh Kumar S/o- Bilash Kumar @ Vilash Mandal @ Bilash Mandal
Village- Ganoura Badarpur, Ps- Madhusudanpur, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-08-2025 1. Heard the parties.

2. The petitioner has renewed his prayer for regular bail in connection with Sessions Trial No. 913 / 2025 arising out of Madhusudanpur P.S. Case No. 36 / 2024 dated 20.04.2024 registered under section 399, 402 of the I.P.C. and section 25(1-b)a, 26, 35 of the Arms Act inasmuch as earlier prayer for bail of the petitioner was rejected by this court vide order dated 25.10.2024 passed in Cr. Misc. No. 64247 / 2024 granting liberty to the petitioner to renew his prayer for bail after completion of nine months if the trial does not show progress.

3. As per the prosecution case lodged by the Police Officer on 19.04.2024 the Police received a secret information that 4-5 miscreants along with weapons were sitting in a garden and were 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. Mr. Ranjan Kumar Jha, 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 do 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 recoveries have 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 charges have been framed on 13.05.2025 and since thereafter no witness has been examined



by the prosecution. The petitioner is in custody since 20.04.2024.

5. Regard being had to the submission advanced on behalf of the petitioner, considering the fact that petitioner is in custody since 20.04.2024, charges have already been framed and there is no likelihood that the petitioner will abscond or tamper with the evidence if released on bail, he is having no criminal antecedent and this is second attempt for bail, accordingly, I am inclined to grant regular bail to the petitioner.

6. Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000 /- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - XIX, Bhagalpur in connection with Sessions Trial No. 913 / 2025 arising out of Madhusudanpur P.S. Case No. 36 / 2024.

(Anil Kumar Sinha, J)

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