

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21586 of 2020**

Arising Out of PS. Case No.-239 Year-2019 Thana- HARNAUT District- Nalanda

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Mithilesh Singh @ Mithilesh Yadav S/o Sheo Kumar Singh Resident of
Village-Mustafapur, P.S.-Harnaut (Telmar), District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Bhanu Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 04-11-2020 Heard learned counsel for the petitioner and

learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Harnaut/Telmar P.S.
Case No. 239 of 2019 (G.R. No. 3279 of 2019) registered for
the offence under Sections 447, 504, 506, 302, 34 of the
Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 15-06-2019 at about
9:30 PM, while the informant was on his roof, in the
meantime, this petitioner alongwith other co-accused persons
armed with weapons came there and started abusing and
assaulting informant. It is alleged that this petitioner opened
fire from his double barrel gun on the informant, which hit



Shakuntala Devi (mother of the informant), as a result of which, she became injured and fell down and on the way to Sadar Hospital, Nalanda, she died.

It is submitted on behalf of petitioner that from bare perusal of the FIR, it is evident that intention of the petitioner was not to kill the mother of the informant, rather to shoot/kill the informant. It is further submitted that on the alleged date of occurrence, a Barat Party had come in the village and the firing was made by the member of the Barat Party, which unfortunately hit the mother of the informant, but due to dirty village politics and enmity, petitioner and his family members have been made accused. It is further submitted that in this case, chargesheet has already been submitted and petitioner is in custody since 23-10-2019.

However, learned A.P.P. for the State has vehemently opposed the bail application and submitted that there is direct and specific allegation of firing against this petitioner, as a result of which, the deceased died.

Considering the aforesaid facts and circumstances as well as specific allegation against the petitioner, I am not inclined to grant him bail.

Accordingly, the bail application of the petitioner



stands rejected.

(Prabhat Kumar Singh, J.)

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