

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31440 of 2021

Arising Out of PS. Case No.-96 Year-2020 Thana- CHANDI District- Nalanda

MITHILESH RAM Son of Yogendra Ram Resident of Village - Chainpur,
P.S.- Bena, Distt.- Nalanda. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dineshwar Mishra, Advocate

For the Opposite Party/s : Mr UN Pandit, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-08-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 302, 323, 341, 504/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, while the informant and his family members and other villagers were sitting at Devi Asthan, this petitioner and other accused persons came there and fired on the son of informant causing his death.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case due to village politics. It is evident from the FIR itself that on the order of co-accused Dharmendra Kumar, co-accused Shankar Paswan fired on the informant's son causing his instant death. There is general and omnibus allegation of resorting to firing on the informant's family and no specific overt has been alleged against him. Petitioner is in custody since 22. 2.2021. Similarly situated co-accused Dharmendra Kumar has already



been allowed bail by a co-ordinate bench of this Court vide order passed in Cr.Misc.No. 29610/2020.

Considering the facts and circumstances of the case, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Hilsa Nalanda in Chandi Bena Police Station Case No. 96 of 2020 on the following conditions:-

(1) Petitioner shall co-operate 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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