

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34419 of 2020

Arising Out of PS. Case No.-270 Year-2019 Thana- SONBERSA District- Sitamarhi

Mithun Kumar @ Rajesh Kumar, aged about 27 years, S/o Rameshwar Seth,
R/o Village- Bishanpur Aadhar, P.S.- Kanhauli, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-01-2021 Heard both sides.

The petitioner seeks bail in Sonbarsa P.S. Case No.270 of 2019, registered under Sections 302 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that his son was going to take betel near Parsa Chowk on 07.12.2019 at about 10.30 A.M., but Chandan Kumar, Vivek Kumar, Raja Mahto, Mithun Kumar @ Rajesh Kumar, the petitioner, Indal Mahto and Kundan Kumar came on motorcycles and made indiscriminate firing. His son started fleeing away but Vivek Kumar caught his son and Chandan Kumar fired two round causing injury in the head and armpit of his son. His son died on way to hospital.

Learned counsel for the petitioner submits that at the first instance, the petitioner was also alleged to have fired along with five other accused persons but thereafter the informant made



specific allegation that it was Vivek Kumar who caught the son of the informant and Chandan Kumar fired two round causing firearm injury in the head and armpit of the deceased. Only two firearm injuries were found on the body of the deceased. Similarly situated co-accused, Kundan Kumar and Raja Mahato have already been granted bail vide order dated 24.11.2020, passed in Cr. Misc. No.30061 of 2020. The case of the petitioner stands on the same footing. Petitioner is in jail since 08.12.2019.

Taking into consideration the facts that the petitioner is of course alleged to have fired but the firing made by the petitioner did not hit the deceased and later on Vivek Kumar is said to have caught the deceased and Chandan Kumar made two round of firing causing the death of the son of the informant and similarly situated two persons have already been enlarged on bail, petitioner, namely, Mithun Kumar @ Rajesh Kumar is directed to 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 the learned Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. Case No.270 of 2019.

(Prabhat Kumar Jha, J)

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