

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21815 of 2022

Arising Out of PS. Case No.-1098 Year-2021 Thana- PHULWARISHARIF District- Patna

MITHILESH KUMAR @ AMITAV KUMAR Son of Sri Birendra Kumar
Resident of Village - Mahangupur, P.S. - Janipur, District - Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 16.02.2022, charge-sheet has been submitted in the case and has antecedent of one case.

The informant alleges that on 14.12.2021, two unknown criminals came in her husband's office and after saluting him, fired killing him and the reason for the occurrence was political rivalry.

Learned counsel for the petitioner submits that the F.I.R. was against unknown, the name of the petitioner



transpired based on suspicion on the statement of the brother of the deceased as recorded at paragraph '8', '9' and '20' of the case diary. It is further submitted that if the brother was knowing that this petitioner was involved then nothing prevented the informant from naming the petitioner in the F.I.R. Learned counsel submits that even the learned court below in the impugned order has recorded that the name of this petitioner transpired based on the suspicion as recorded at paragraph '8', '9', '19' and '20' of the case diary and further his name also transpired in the confessional statement of co-accused Omkar. It is thus submitted that even presuming what has been alleged against the petitioner is true, without admitting for the purposes of bail, then the entire allegation hinges around suspicion.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 16.02.2022, charge-sheet has been submitted in the case, entire allegation hinges around suspicion, was not named in the F.I.R. and his name came subsequently as aforesaid, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned



court below where the case is pending/successor court in connection with Phulwari Sharif (Janipur) P.S. Case No. 1098 of 2021 with a condition that one of the bailors of the petitioner shall be his father, Birendra Kumar.

(Satyavrat Verma, J)

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