

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28117 of 2022

Arising Out of PS. Case No.-141 Year-2021 Thana- DHANKUND District- Banka

Mithilesh Kumar Son Of Late Naresh Mandal R/O Village- Karhariyan, P.S.-
Goradih, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 302, 120(B)
of the Indian Penal Code, in connection with Dhankund P.S.
Case No. 141 of 2021.

As per the prosecution story, the informant had
made a written statement before the SHO, Dhankund police
station alleging therein that the friends of his son picked him
away on an Auto-rickshaw and immediately thereafter, he got
information that his son is seriously injured lying on the road.
He rushed and picked his son to the hospital where he was
declared dead.



Learned counsel for the petitioner submits that all the friends moving on the Auto went to a tea shop and after sipping tea, as they moved forward, the Auto met with an accident and out of fear the petitioner fled away for which he has already suffered by being in custody since 18.2.2022 (as stated in para-13 of the bail application). He further submits that he is a young boy of 25 years, pursuing his studies and do not have any criminal antecedent.

Considering all the aforesaid facts as also the fact that he is in custody since 18.02.2022, has no criminal antecedent and the charge-sheet stands submitted and ultimately he has to face the trial, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of S.D.J.M., Banka, in connection with Dhankund P.S. Case No. 141 of 2021 subject to the following conditions:

- (i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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