

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39157 of 2021**

Arising Out of PS. Case No.-466 Year-2020 Thana- MINAPUR District- Muzaffarpur

MITHUN KUMAR, Son of Radha Sahni Resident of Village - Tegrahi Tole,  
Dhaphar, P.S.- Siwaipatti, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate.

For the Opposite Party/s : Mr. Ajit Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

6      25-04-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two  
weeks of the complete start of the physical Court in normal  
course.

The petitioner seeks regular bail in connection with  
Minapur P.S. Case No. 466 of 2020 for the offence punishable  
under Sections 302/120B/34 of the Indian Penal Code and  
Section 27 of the Arms Act.

The prosecution story, in brief, is that the informant  
Anita Kumari along with her husband, children and brother  
proceeded towards Patna after attending marriage ceremony at  
her village - Nakardewa, P.S.-Rajepur, District – East  
Champaran by Scorpio bearing Registration No. BR01PG2824



and while they reached at Village – Madhuban under Minapur (Panapur O.P.), four motorcycle borne criminals overtook the Scorpio on the point of pistol and threatended them pointing pistol at the temple of her husband. On the instigation of Brij Bihari, Gope Kumar, Mintu Kumar and Basant Kumar, four motorcycle borne criminals namely Krishna Murari Kumar, Diwakar Kumar, Subhash Kumar and Vikash Kumar committed murder of the husband of the informant by resorting indiscriminate firing upon him. Informant is the eye witness of the occurrence. The cause of committing murder is previous enmity due to purchase of certain land in Patna.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not even remotely connected with the alleged offence. He is not named in the F.I.R. In course of investigation, no material has been collected against the petitioner. Name of the petitioner has come in course of investigation on the basis of confessional statement of one contract shooter Shantanu Kumar Singh. That apart, there is nothing to connect the present petitioner in the alleged murder of the husband of the informant.

Mr. Bhubneshwar Prasad, learned APP for the state has opposed the prayer for grant of bail to the petitioner and



submits that in course of investigation police has collected evidence against the petitioner. One Randhir Kumar who is also the villager of the informant has supported the allegation in Para-153 of the case diary stating that the petitioner is contract killer and he is also involved in the alleged commission of murder of the husband of the informant. The son of the informant who was also an eye witness of the alleged occurrence and was sitting in the said Scorpio, in Para-24 of the case diary he has made specific allegation against the present petitioner that the accused persons were in contact with him and he is one of them who committed murder of his father. Co-accused Shantanu Kumar in his confessional statement in Para-116 of the case diary has stated that he along with the petitioner has resorted to commit murder of the husband of the informant. He further submits that the husband of the informant died due to fire arm injury which is supported by the post mortem report. The doctor has opined the caused of the death due to gun shot injury. There is eight injuries on the body of the deceased. Petitioner has criminal antecedent, as such, the petitioner does not deserve to be released on bail.

Having heard the rival submission of the parties, perused the allegation made in the F.I.R. and the material which



has surfaced in course of investigation, the informant is the eye witness of the occurrence and in her presence and her family members, the husband of the informant was murdered, she has seen the accused persons Brij Bihari, Gope Kumar, Mintu Kumar and Basant Kumar who had ordered to kill her husband. The accused persons Krishna Murari Kumar, Diwakar Kumar, Subhash Kumar and Vikash Kumar resorted to indiscriminate firing on the husband of the informant who sustained injury and in course of treatment at Maa Janki Hospital, Muzaffarpur, he succumbed to the injuries. Petitioner is not named in the F.I.R. In course of investigation, it appears that petitioner was apprehended in Minapur P.S. Case No. 172 of 2020 for committing offence under Sections 414/34 IPC and Sections 25(1-b)a, 26 and 35 of the Arms Act. Co-accused of the said case one Shantanu Kumar in his confessional statement in Para-116 of the case diary has taken the name of the petitioner that both of them are contract shooters and they had committed murder of the husband of the informant. In Para-24 of the case diary, son of the informant who was also travelling with her parents by the Scorpio had also seen the alleged commission of murder of the deceased and has named the present petitioner to have taken contract to kill the deceased who is his father. The



informant in her further statement has not taken the name of the present petitioner and from perusal of the entire case diary, no link is established as to in what manner the present petitioner was involved in commission of murder of the husband of the informant, in presence of minuscule evidence without there being any link or any evidence to associate the present petitioner with the persons named in the F.I.R. It appears that the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Muzaffarpur in connection with Minapur P.S. Case No. 466 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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



(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

**(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.**

Any observation made in this order shall not affect the conduct of the trial.

**(Purnendu Singh, J)**

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