

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44759 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- BARHARA KOTHI District- Purnia

MITHILESH KUMAR @ MITHILESH KUMAR YADAV S/O ASHOK
YADAV @ AJAY KUMAR R/o village- Shiswa, P.S.- Barhara Kothi
(Raghuwansh Nagar O.P.), District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Prasad, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 20.01.2021, seeks
regular bail in connection with Barahara (Raghubansh Nagar)
P.S. Case No. 10 of 2021 registered for offences punishable
under Sections 147, 148, 149, 341, 342, 323, 307, 302, 120(B)
of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution story in brief is that petitioner and other
co-accused persons caused gun shot injury to the husband of the
informant due to which he had died.

Learned counsel appearing on behalf of the petitioner



submits that petitioner was one of the members of the unlawful assembly and in this regard material has come in the case diary. No overt act has been committed by the petitioner. Petitioner is in custody since 20.01.2021 and has clean antecedent.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the fact that no overt act has been alleged against the petitioner, it has come in course of investigation that no specific overt act has been alleged by any of the eye witnesses against the petitioner, at the best, there is minuscule evidence that the petitioner was also one of the members of the unlawful assembly. Prima facie petitioner has made out a case to be enlarged on bail.

The Court below is directed to release the petitioner above named on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Purnia in connection with Barahara (Raghubansh Nagar) P.S. Case No. 10 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

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

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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