

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37503 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- KATORIYA District- Banka

Mithilesh Yadav @ Mithilesh Kumar Bharti @ Bhuso, Son of Sri Harihar Yadav @ Harihar Raut R/o Village- Manjira, P.S. and Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajan Kumar Jha, Adv.
	:	Mr. Sanjeev Kumar @ Deepak Sahay, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar No.2, APP.
For the Informant	:	Mr. Bipin Kumar, Adv.
	:	Mr. Arjun Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-09-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with Katoriya P.S. Case No. 89 of 2022, lodged under Sections 302, 120(B), 34 of the Indian Penal Code read with Section 27 of Arms Act and Section 3, 4 & 5 of the Explosive Substance Act.

The allegation made in the F.I.R. against the accused persons named in the F.I.R. is that, they have murdered the father of informant in broad daylight.

Learned counsel for the petitioner submits that after

minute reading of the F.I.R., it transpires that there is no eye witness of the alleged occurrence and the present F.I.R. has been filed on hearsay statement. Learned counsel for the petitioner further submits that petitioner is in custody since 02.04.2022 and there is one criminal case pending against the petitioner, in which he is on bail. Learned counsel for the petitioner further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is a case of brutal murder in the broad daylight, therefore, petitioner may not be granted bail.

Learned counsel for the petitioner further submits that two accused persons have already been granted bail by the Co-ordinate Bench of this Court vide order dated 20.09.2022 passed in Cr. Misc. No.28744 of 2022 & 36078 of 2022.

In response to same, learned counsel for the informant submits that the case of these two accused are little bit different because they are alleged to be the conspirator of the crime.

In the present facts and circumstances of this case and

the submissions made above, I am not inclined to grant bail to the petitioner at present, but liberty is hereby granted to the petitioner to move for bail after framing of charge.

He may renew his prayer for bail after framing of charge before the Trial Court itself and the Trial Court is directed to release him on bail imposing conditions, so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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