

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17404 of 2023

Arising Out of PS. Case No.-158 Year-2019 Thana- BARAUNI District- Begusarai

Mithun Kumar @ Mithun Sharma S/o Ram Chalitar Sharma Resident Of
Village - Fatehpur, P.S. - Gogari, Dist. - Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363 & 365 of the I.P.C. and cognizance has been taken u/s 364, 302, 201/34 of the Indian Penal Code.

As per FIR, allegation against the petitioner is that brother of the informant namely, Mahesh Kumar Tanti had gone to his friend's house namely, Sajan Sharma and told that he would come tomorrow. Thereafter, the mobile of the brother of the informant got switched off. It is further alleged that during course of investigation, it has come to know that informant's brother was committed murdered.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. The petitioner is not named in the FIR rather he has falsely been implicated in this case. During course of investigation one co-accused namely, Pawan Sharma confessed his guilt and also disclosed the name of the petitioner in his confessional statement. Save and except, nothing has come against the petitioner to connect him with the alleged offence. Moreover, similarly situated co-accused namely, Pawan Sharma has already been granted bail by a co-ordinate Bench of this Court vide order dated 27.11.2020 passed in Cr. Misc. No. 24150 of 2020 and in support of this Annexure-2 series has been annexed with this petition. It is further submitted that the petitioner is languishing in judicial custody since 1.9.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Barauni P.S. Case No. 158 of



2019 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai.

(Sunil Kumar Panwar, J)

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