

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32660 of 2023

Arising Out of PS. Case No.-144 Year-2022 Thana- DHAMDAHA District- Purnia

MITHILESH KUMAR MEHTA S/O ASHOK MEHTA R/O Village-
Chandrarahi, P.S- Dhamdaha, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 302, 120(B)/34 of the Indian Penal Code and Section 27 of Arms Act.

3. As per prosecution case, the informant alleged that the petitioner along with other co-accused persons surrounded her husband namely, Sagar Kumar and on order of co-accused Bablu Mandol, other co-accused Arjun Mandol fired upon husband of the informant due to which he sustained gun shot injury and died during treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR rather he has falsely been implicated in this case on the basis of confessional statement of



other co-accused before police which is inadmissible in the eye of law. From perusal of FIR, it transpires that specific allegation of firing upon the deceased is against co-accused Arjun Mandol. As per postmortem report, doctor opined that cause of death of the deceased is due to gun shot injury. It is further submitted that the petitioner was remanded in this case from Dhambada P.S. Case No. 185 of 2022 on 29.9.2022 and since then, he is languishing in judicial custody.

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

6. 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 Dhamdaha P.S. Case No. 144 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge, Purnea.

(Sunil Kumar Panwar, J)

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