

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39621 of 2023

Arising Out of PS. Case No.-78 Year-2022 Thana- DHAMDAHA District- Purnia

Mithas Kumar @ Mithwa Mandal@ Mithesh Kumar Son Of Anandi Mandal
Resident Of Village - Sorkahi, P.S. - Dhamdaha, District - Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Saket Tiwary, Advocate
For the Opposite Party/s	:	Mr.Narendra Kumar Singh, APP
For the Informant	:	Mr.Vivekanand Vivek, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Dhamdaha P.S. Case No.78 of 2022 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. As per the prosecution story, the allegation against the petitioner is that he along with other named accused persons was involved in killing of the informant's Samdhi Bijendra Singh by throttling.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no specific allegation



of assault against this petitioner.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the specific allegation that this petitioner had also participated in the alleged occurrence at the dead of night when the deceased was sleeping in his house and the medical report is showing that the deceased was killed by throttling, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. Prayer is refused.

7. In case the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

8. This application is dismissed.

9. The case diary be returned.

(Rajeev Ranjan Prasad, J)

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