

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44402 of 2023

Arising Out of PS. Case No.-181 Year-2022 Thana- KADIRGANJ District- Patna

Mithlesh Prasad @ Mitilesh Prasad S/O Jugadi Prasad R/O Village- Bari Bigha, Ps. Kadirganj, Dist. Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Shyam Kumar, Advocate Mr. Arvind Kumar, Advocate
For the Informant	:	Mr. Birendra Kumar, Advocate
For the Opposite Party/s	:	Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 02-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Kadirganj P.S. Case No. 181 of 2022 dated 12.12.2022 registered for the offences u/s 302 read with section 34 of the Indian Penal Code and section 27 of the Arms Act.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have fired on the informant's



son due to that he got severely injured and he was taken to hospital for treatment where the doctor declared him dead.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The allegation against the petitioner is of firing on the back of the deceased. The specific allegation of firing on the chest of the informant's son is against the co-accused Ajit Kumar. As per post-mortem report, no back injury was found and the cause of death is due to haemorrhage and shock and its complicity from the chest injury consequent upon projectile firearms. The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. The petitioner is in custody since 14.12.2022.

6. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Masaudhi, Patna in connection with Kadirganj P.S.



Case No. 181 of 2022.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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