

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48240 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- KHAGARIA District- Khagaria

Mithun Kumar @ Mithun, Son of Ramashish Singh @ Ramashish Prasad Singh, Resident of village - Sabdalpur, Ward No. 01, Saligrami, P.S.-Sahebpur Kamal, District-Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Khagaria Muffasil P.S. Case No. 138 of 2023 dated 10.02.2023 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-AA), 26 and 35 of the Arms Act.

3. The main submissions advanced by learned counsel for the petitioner are that the petitioner has been languishing in jail since 26.04.2023 and against him there is criminal antecedent of one case and he is suffering from serious liver disease and chest problem and was taking regular treatment at Shivam Nursing Home since 29.07.2022 and at present, he



needs special medical care which is not available in Khagaria Jail and Sadar Hospital, Khagaria referred him to P.M.C.H., Patna (Surgery Dept.) for proper treatment and in this regard, relevant documents have been filed as Annexure -2 series. Further submission is that the petitioner's daughter is also suffering from a serious Kidney problem and presently, she is under treatment at Patna. Further submission is that so far as the merit of this case is concerned, the petitioner was not apprehended with the alleged firearms rather the said firearms were recovered from two persons namely Kunal Kumar and Prabhakar Kumar, who have been made accused in this case and co-accused Kunal Kumar had enmity with this petitioner, owing to which he falsely roped this petitioner in this case and against the petitioner, the investigation has been completed.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly taking into account the petitioner's serious ailment as appears from the documents of his medical treatment filed as Annexure-2 series and completion of the investigation against him and also the fact that the petitioner was not apprehended at the spot and his name was disclosed by the apprehended co-accused Kunal



Kumar, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Khagaria Muffasil P.S. Case No. 138 of 2023.

(Shailendra Singh, J)

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