

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56089 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- HALSI District- Lakhisarai

MITHLESH KUMAR Son of Bhola Mahto Resident of Village-
Mohaddinagar, Police Station - Halsi, District – Lakhisarai. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

4 17-04-2023 Heard the learned counsel for the petitioner as well

as the learned Additional Public Prosecutor for the State and the

learned counsel for the informant.

The petitioner is seeking regular bail in connection
with Halsi P.S. Case No. 48 of 2022, registered for the offences
punishable under Sections 302, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The informant is son of the deceased. As per
allegation, when his father was returning from his field with
bundles of paddy crop and when he reached near middle school,
the miscreants murdered him by inflicting knife blows and fired
shot on him. The petitioner, along with co-accused Manish
Kumar opened fire on his father, which hit at the head of the
father of the informant and one bullet hit Saryug Thakur at his
thigh. The miscreants, thereafter, fled away from the scene of the
occurrence.



The learned counsel for the petitioner has submitted that petitioner is innocent and has falsely been implicated in this case. Charges have been framed and the trial is going on. He has submitted further that injured Saryug Thakur, in his statement contained in paragraph no. 26 of the case diary has stated that he was returning by bicycle, whereas the informant has not mentioned that Saryug Thakur was returning by bicycle.

On the other hand, the learned counsel for the informant and the learned APP have opposed the prayer for bail and submitted that there is specific allegation against the petitioner that he fired shot at the deceased, which hit at his head and even the injured witness Saryug Thakur has also stated that the petitioner fired shot at the head of the deceased and committed his murder.

In my view, the petitioner does not deserve the privileges of bail, which is hereby rejected.

The learned trial court is directed to expedite the matter and take all the endeavors to dispose of the trial as early as possible.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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