

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.979 of 2022

Arising Out of PS. Case No.-211 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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MITHLESH KUMAR @ MITHLESH BIND Son of Late Kapil Bind
Resident of Village- Lalu Bigha, P.S.- Bind, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Ms. Vaishnavi Singh

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 25-01-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Magadh

Medical P.S. 211 of 2021, registered for the offences

punishable under Sections 302, 201 and 34 of the Indian

Penal Code.

The prosecution case as emerging from the FIR is

that the son of the informant was working as labour in Jio

Wi-Fi company and there was two lakhs dues upon the

petitioner. Later on, the petitioner and his associates

assaulted the son of the informant with scissors and knife

due to which he died.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the informant is not an eye witness to the alleged occurrence and the name of the petitioner has been given in the FIR only on the basis of suspicion. He also submits that it is present accused-petitioner who himself gave information to the informant regarding the injuries caused to the alleged victim by the other co-accused and he has also helped the victim in getting medical treatment. He also submits that investigation in this case is complete and charge-sheet has already been submitted but charge has not been framed till date.

He further submits that the petitioner has been languishing in jail since 11.08.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate-IV, Gaya in connection with Magadh Medical P.S. 211 of 2021, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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