

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 63237 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- AMARPUR District- Banka

MITHUN KUMAR @ MITHUN YADAV @ PRINCE KUMAR Son of
Gopal Yadav R/v- Sabalpur (Khanjarpur), P.S.- Kasim Bazar, District-
Munger. At present Vill- Jankipur, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Anil Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 23-03-2023 Heard the learned counsel for the petitioner as well as

the learned Additional Public Prosecutor for the State and also

heard the learned counsel for the informant.

The petitioner is seeking regular bail in connection
with Amarpur P.S. Case No. 56 of 2022 registered for offence
punishable under sections 147, 148, 149, 341, 323, 307 of the
Indian Penal Code and section 27 of the Arms Act.

There is specific allegation against the petitioner that
he along with co-accused Gopi Yadav fired shot on the
informant and made him injured.

The learned counsel for the petitioner has submitted
that the petitioner is under custody since 30.05.2022. The injury
report shows itself that no fire arm injury was found on the



person of the informant, though one of the injuries is grievous but all the injuries have been caused by hard and blunt substance. The petitioner has been made accused in this case merely on the basis of his criminal antecedent mentioned in paragraph 3 of the bail petition. He has submitted further that the informant himself is a veteran criminal and it was the reason that his statement has not been recorded. The informant was an accused in the murder case of sister-in-law (*Bhabhi*) of the petitioner.

On the other hand, the learned counsel for the informant has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 56 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future



in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(iii) The petitioner shall remain present physically before the court below on each and every date and his failure to appear on two consecutive dates, shall lead to cancellation of his bail bond.

(Nawneet Kumar Pandey, J)

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