

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64178 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- CHHATAPUR District- Supaul

MITHILESH KUMAR @ MITHILESH KR. Son of Rajendra Mehta @ Rajo Mehta Resident of Village - Majhowa (Ward No.- 01), P.S.- Kishanpur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Adv.
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP.
For the Informant/s : Mr. Kamal Kishore Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 17-04-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. Petitioner seeks regular bail in connection with Chhatapur P.S. Case No. 146 of 2022 dated 25.04.2022 registered for the offences punishable under Sections 302 and 120(B)/34 of the Indian Penal Code and Section 27 of Arms Act.

3. As per the prosecution, the informant alleged that his father was shot dead by four named accused persons and 2-3 unknown persons.

4. The main submissions advanced by petitioner's counsel are that the petitioner is not named in the FIR and during investigation his name surfaced mainly on the basis of



suspicion and he has fair and clean antecedent and his trial has started and one prosecution witness has been examined and there is no eye-witness claiming to have seen the petitioner committing the alleged occurrence of murder. Further submission is that the petitioner has been languishing in jail since 28.05.2022.

5. Learned APP appearing for the State as well as learned counsel appearing for the informant has opposed the bail prayer and submitted that the petitioner has illicit relationship with Guriya Kumari, who happens to be the granddaughter of the victim and in furtherance of the conspiracy hatched up by this petitioner, Guriya Kumari and others, the victim who happened to be a retired government teacher was murdered and during investigation, the petitioner's phone's location was found near the place of occurrence and he was in touch with the co-accused person namely Meena devi @ Veena Devi constantly during the relevant time when the alleged occurrence took place.

6. Considering the seriousness of the allegation appearing against the petitioner as pointed out by learned APP, in my opinion it is not a fit case for bail to the petitioner at this stage. Accordingly, his bail prayer stands rejected.



7. The petitioner may renew his bail prayer after examination of the private witnesses in his trial or if no significant progress is made in his trial in the next one year then he may also renew his bail prayer.

(Shailendra Singh, J)

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