

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67677 of 2023

Arising Out of PS. Case No.-1539 Year-2022 Thana- PHULWARISHARIF District- Patna

Mithlesh Kumar @ Chibla @ Mithilesh Kumar @ Chiula Son Of Ram Kripal Chauhan @ Ram Kupal Chouhan R/V-Govindpur, Noniya Tola, Ps-Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Informant	:	Mr. Sunil Kumar, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned counsel for the informant as well as learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Phulwarisharif P.S. Case No. 1539 of 2022 dated 14.12.2022 registered for the offences punishable u/ss 396 and 397 of the Indian Penal Code and 27 of the Arms Act and the charge-sheet has been submitted u/ss 396, 397, 412 and 413 of the Indian Penal Code and sections 25(1-B)A, 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, six unknown miscreants are alleged to have fired on the informant's friend, his father and his brother and during treatment the informant's



friend Rajeev Ranjan died.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is no specific allegation against the petitioner. The petitioner is not named in the FIR. The petitioner was remanded in this case on suspicion from Phulwarisharif P.S. Case no. 1644 of 2022. The petitioner was not identified during TIP. The petitioner has six other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 03.02.2023.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna in connection with Phulwarisharif P.S. Case No. 1539 of 2022, with the condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date,



failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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