

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 67610 of 2022

Arising Out of PS. Case No.-337 Year-2022 Thana- BAHADURPUR District- Darbhanga

Mithu @ Mukesh Kumar Das Son of Pawan Das R/v- Bilawarpur @
Dilawarpur, P.S.- Bahadurpur, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bahadurpur P.S. Case No. 337 of 2022 lodged under Sections
302 & 34 of the I.P.C.

As per the allegation made in the F.I.R., the informant
has disclosed that his son was working in Durga Aluminum
Factory as a *Mistri* since last 4 years. On 18.07.2022, the factory
owner received information that informant's son was in his
room, thereafter the entire family members reached there and
have seen that the proceeding is going on. Upon going through
the dead body, it transpires that the death has been caused due to

sharp cutting weapons as there are injuries of sharp cutting weapons at many places. It has also been apprehended that occurrence has been caused by more than one person. The informant also received information that many persons who used to involve in selling drugs, used to visit to the room of the informant's son in which primarily accused Mithun Sah and Amit Sah full brothers used to come.

Learned counsel for the petitioner submits that it has also come in the F.I.R. that due to drugs business, the death of informant's son has been caused. Counsel submits that the deceased have wife, two daughters and one son. With this allegation, the F.I.R. has been lodged. Counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the said F.I.R. is basically false and concocted. Only on the basis of suspicion, the name of the petitioner has figured in this case. Counsel further submits that the 2 similarly situated persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 24.01.2023 passed in Cr. Misc. Misc. No. 60967 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and

the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Darbhanga in connection with Bahadurpur P.S. Case No. 337 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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