

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8716 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- AMARPUR District- Banka

Mithun Pathak @ Mithun Kumar Pathak, S/o Late Nakul Pathak, R/o Village-
Kodanda, Police Station-Shahkund, District-Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Amarpur P.S. Case No.281 of 2023 registered under Sections 302 and 120-B of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is to commit the murder of son of informant along with other co-accused persons due to previous enmity.

4. It is submitted by learned counsel that from the perusal of FIR, the maximum allegation against the petitioner appears to advance threat prior to this occurrence to the deceased son of informant. Learned counsel submitted that the allegation is limited with “last seen”, which is available against



co-accused Ankit Kumar Sharma, Chandra Shekhar Singh and Sanjay Sao and even allegation of said “last seen” is not available against this petitioner. Moreover, during course of investigation, wife of deceased give an application to the Investigating Officer of this case stating thereof that accused-petitioner is of no concern with murder of her husband and he appears implicated out of ignorance of her father-in-law, who is the informant of this case. While concluding argument, it is submitted that petitioner found involved in six cases of petty nature i.e. theft, where he is on bail and due to said reason, he implicated with present case, having otherwise no bearing over the merit of present case.

5. Learned APP opposes the prayer of bail.

6. In view of the aforesaid facts and circumstances, as it appears *prima facie* that implication of this petitioner in present case is out of suspicion arises from threat given by him to the deceased, much prior to this occurrence, accordingly, the petitioner, above-named, is directed to be released on bail in the event of his arrest or surrender in the court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Banka in connection with Amarpur P.S. Case
No.281 of 2023 subject to the conditions as laid down under
Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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