

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24990 of 2024

Arising Out of PS. Case No.-120 Year-2020 Thana- CHAUSA District- Madhepura

Mithilesh Yadav @ Ranjit Kumar S/o Late Ramchandra Yadav Resident
of Village- Laualagan, P.S.- Chausa, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Binod Kumar, Advocate Mr.Rahul Singh, Advocate
For the Opposite Party	:	Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 23-08-2024 Heard learned counsel appearing on behalf
of the petitioner and Mr. Jai Narain Thakur, learned
A.P.P. for the State.

2. Petitioner seeks bail in connection with
S.T. No. 235/2022 arising out of Chausa P.S. Case
No. 120 of 2020 registered for the offences under
Sections 302, 120(B) and 34 of the Indian Penal
Code.

3. At the outset, it is submitted that earlier
prayer of bail of this petitioner was withdrawn and
it was not rejected considering the merit which still
open for consideration.

4. Accused/petitioner is named in the F.I.R.



and is in custody since 07.02.2023.

5. Allegation against the petitioner is to open fire upon the brother of informant alongwith other co-accused persons causing his death due to fire-arm injuries, where occurrence is alleged to be arises out of local dispute and differences.

6. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner implicated falsely with the present case out of local dispute. It is pointed out that if the allegation, as available through F.I.R., be taken into consideration, then, certainly there must be five bullet injuries would be available as per post-mortem report, which is only three, creating a serious doubt *qua* version of the informant and in this background false implication cannot be ruled out. It is also submitted that accused person Bajrangi Singh with similar allegation of firing, has already been granted privilege of bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 42696/2022 dated 16.11.2022. It is also pointed out that in this case till now not even single prosecution witness was examined and, therefore, trial of this case is not



likely to be conclude in near future.

7. Learned A.P.P. for the State opposes the prayer of bail of the petitioner.

8. In view of aforesaid facts and circumstances and by taking note of the version of informant regarding manner of firing, which prima-facie doubtful in terms of post-mortem report, coupled with the fact that petitioner is in custody since 07.02.2023, where trial is not likely to be concluded in near future as even no single prosecution witness has been examined in this case till now, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Madhepura/concerned court, in connection with S.T. No. 235/2022 arising out of Chausa P.S. Case No. 120 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.



Rajeev/-

(Chandra Shekhar Jha, J.)

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