

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34314 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- TRIVENIGANJ District- Supaul

Mithilesh Kumar @ Mithilesh Sah Son of Mahendra Sah R/O Vill.- Mirjaba,
P.S.- Triveniganj, Dist.- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 148 , 149, 447, 342, 504, 506, 341 , 323 , 354(B), 379, 427, 385 of the Indian Penal Code and Section 27 of Arms Act.

3. As per the prosecution case, on 05.07.2023 at about 07:00 A. M., when the informant was ploughing her agricultural field, meanwhile this petitioner along with other co-accused persons came there and forcibly tried to plough his agricultural field. When the informant objected against the conduct of the



accused persons, they assaulted the informant. It is further alleged that this petitioner armed with pistol fired in the air and other co-accused persons assaulted the informant by means of fists and kick .

4. Learned counsel for the petitioner submits that both the parties are “*gotias*” and due to land dispute, an altercation took place between them. F.I.R. has been lodged after the delay of four days for which there is no plausible explanation which itself casts serious doubt over the veracity of the entire prosecution case. Though, there is specific allegation against this petitioner of making fire but no one sustained fire arm injury. Rest of the allegations are ornamental in nature. Petitioner claim clean antecedent.

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate – I Supaul in connection with Triveniganj P.S. case No. 281 of 2023 subject



to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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