

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58114 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- Chakia OP District- Begusarai

Mithun Kumar @ Mithu @ Mitthu S/o Late Chandan Ray @ Late Chandan Rai @ Late Chanar Rai @ Late Ramchandar Ray @ Ramchandar Ray R/o vill - Bishanpur, ward no. 3 (Bishanpur Samasi), P.S. - Bachhwara, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-08-2024 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Chakiya (Chakia) P.S. Case No. 01 of 2024 dated 24.03.2024 registered for the offences punishable u/ss 448, 302 read with Section 34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, the petitioner and the co-accused person boarded on a motorcycle are alleged to have come and started to abuse the informant's daughter. On being objected by the informant's daughter, the petitioner started



assaulting the informant's daughter. On hulla, the co-accused, Golu Kumar fired on the head of the informant's daughter who succumbed to her injury. Thereafter, the petitioner and the co-accused person were apprehended by the villagers. One pistol and two live cartridges were recovered from the possession of the co-accused, Golu Kumar.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The specific allegation of firing is against the co-accused, Golu Kumar. It is further submitted that the allegation against the petitioner who assaulted the informant's daughter but she has not sustained any external injury. As per the post-mortem report of the deceased, she sustained only one gunshot injury caught by firearm. Learned counsel has further submitted that after completing the investigation, police has submitted charge-sheet no. 19 of 2024 dated 17.06.2024. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 25.03.2024.

5. 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, Begusarai in connection with Chakiya (Chakia) P.S. Case No. 01 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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