

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61962 of 2024

Arising Out of PS. Case No.-176 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Mithilesh Kumar son of Deenanath rai @ Deena Rai @ Dina Ray Village-
Madhopur Hajari, Police Station-Sahebganj, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Dev, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-11-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Sahebganj P.S. Case No. 176 of 2024 instituted for the offences
under Sections 307, 506 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the
petitioner is of firing upon the right hand of the Informant's son
namely Sri Ram Sahni.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to dirty local village politics. There is no direct or specific



allegation of any overt act against the petitioner rather the same is general and omnibus in nature. He further submits that the allegation against the petitioner is of causing fire arm injury on the right palm of the Informant's son and the injury is not severe. There is also no repetition of blow by the petitioner and, as such, there is no intention of the petitioner to kill the Informant's son. The specific allegation of firing upon the chest of the Informant's son is on the brother of the petitioner namely Chandan Kumar. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.04.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and there is an allegation of firing against the petitioner. The injury report corroborates the prosecution case and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail



bonds of Rs.10,000/- (Ten thousand) with two sureties of the
like amount each to the satisfaction of Court below/concerned
Court in connection with Sahebganj P.S. Case No. 176 of 2024.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

