

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71571 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- BATH District- Bhagalpur

Mithun Yadav S/o- Late Kamo Yadav village - Navtoliya, Mirhatti, P.S. -
Sultanganj, Dist. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 22-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bath
P.S. Case No. 57 of 2024 dated 16.04.2024, instituted for the
offence punishable under Sections 302, 307, 120B/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the alleged
date and time of occurrence, the informant along with Mukesh
Kumar Singh and Karelal @ Sachidanand Singh went to the
field. On reaching there, they saw accused persons were filling
wheat straw in the jute bag which was lying in the field of
Mukesh Kumar Singh. On protest, some altercation took place
between the parties. In the meantime, petitioner came there and
he along with co-accused Pawan Yadav and Rabbu Yadav



started firing due to which Mukesh Kumar and Karelal sustained fire arm injury. Consequently, Mukesh Kumar died at the spot due to fire arm injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that FIR has been lodged against five accused persons. There is allegation of assault by gun shot against Mithun Yadav (petitioner), Pawan and Rabbu Yadav on the person of Mukesh Kumar Singh and Karelal, as a result of which, they sustained injury. Later on, Mukesh Kumar Singh died at the spot. It is further submitted that the inquest report as well as postmortem report reveal that there is only one gun shot injury on the person of the deceased. It is next submitted that injury report of Karo Mandal shows laceration in left shoulder region size of 4 cm long, width 2 cm (approx). Entry wound is present. No exit wound was found and the nature of injury is stated to be simple. The reason behind the false implication of the petitioner is that the land of co-accused Rabbu Yadav is adjacent to the land of the informant and there is a land dispute between them. Petitioner is the relative of co-accused Rabbu Yadav due to which the name of the petitioner has been dragged in this case. It is further stated that similarly situated co-accused



person namely, Rabbu Yadav has been granted bail *vide* order dated 25.10.2024 passed by this court in Criminal Miscellaneous No. 77542 of 2024. Lastly, it has been submitted that the petitioner is in custody since 28.06.2024, he has four criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Bhagalpur in Bath P.S. Case No. 57 of 2024 subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will



inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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