

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76386 of 2023

Arising Out of PS. Case No.-265 Year-2023 Thana- LAKHISARAI District- Lakhisarai

MITHUN KUMAR @RAHUL KUMAR S/O ARJUN YADAV VILLAGE-
SINGH CHAK, PS. KIUL, DIST. LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tej Narayan Singh, Advocate Mr. Harsh Kumar Singh, Advocate Ms. Minu Kumari, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh Shastri, APP
For the Informant	:	Mr. Rajnish Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Lakhisarai P.S Case no.265 of 2023 registered under sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that his son was taken away by the petitioner who happens to be the brother-in-law of his cousin brother. Thereafter, it is stated that his son returned late in the night and was sitting when on being asked about his well-being, he fell down dead.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case because of land dispute between the parties. Accepting the allegations in the FIR, the case against the petitioner is at best of last seen. The petitioner is in custody since 14.4.2023 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. Learned counsel for the informant files *vakalatnama* in the case which is taken on record. It is submitted that not only the petitioner is named in the FIR but there is direct allegation against him that he had taken away the son of the informant. Soon after returning, he was found to have died. There is mark of injury on the neck of the deceased and the opinion with respect to the cause of death is reserved till receipt of the viscera report.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation and the petitioner having remained in custody for 10 months since 14.4.2023, the petitioner is directed to be enlarged on bail in connection with Lakhisarai P.S. Case no.265 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Lakhisarai.

(Partha Sarthy, J)

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