

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86192 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- DULHIN BAZAR District- Patna

Pawan Kumar Mithlesh Sao @ Mithlesh Sah Resident of Bharatpura,
Pansari, P.S- Dulhin Bazar, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupesh Kumar, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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

ORAL ORDER

2 17-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Dulhin Bazar P.S. Case No. 173 of 2024 instituted for the offences under Sections 341, 323, 324, 307 read with Section 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 catching hold the Informant while the co-accused fired by a pistol upon the Informant which hit on his forehead and passed.

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.



There is no direct or specific allegation of assault/firing against the petitioner rather the same is general and omnibus in nature. The specific allegation of firing against the co-accused Suraj Kumar. He further submits that no fire-arm or other incriminating substance has been recovered from the conscious possession of the petitioner. It is further submitted that in the confessional statement, the co-accused Suraj Kumar has not taken the name of the petitioner of being indulged in the alleged occurrence. Charge-sheet has been submitted against the petitioner in this case under Sections 341, 307 read with Section 34 of the I.P.C. and Section 27 of the Arms Act. The petitioner has no criminal antecedent and is languishing in judicial custody since 18.07.2024 without any rhymes or reason.

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 offence alleged against the petitioner is serious in nature.

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 Dulhin Bazar P.S. Case No. 173 of 2024.

(Rudra Prakash Mishra, J)

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