

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3237 of 2025

Arising Out of PS. Case No.-134 Year-2024 Thana- PIYAR District- Muzaffarpur

Mithun Kumar S/O Radha Shani Resident of Village- Tengarari Tola Dhaphar,
P.S- Siwaipatti, District- Muzaffarpur.

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

3 22-04-2025 Heard Mr. Alok Kumar Alok, learned counsel for the
petitioner and Mr. Choubey Jawahar, learned APP for the State.
Perused the case diary.

2. The petitioner seeks bail in connection with Piyar
P.S. Case No. 134 of 2024 instituted for the offence under
Sections 109(1), 132, 121(1), 121(2), 317(2), 317(5), 318(4),
338, 336(B) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and
Sections 25(1-B)a, 25(1-AA), 26, 27 & 35 of the Arms Act.

3. During a vehicle checking on 26.07.2024 at Harpur
Bandh Chowk, two individuals on a motorcycle were signaled
to stop but tried to flee. One of them was seen holding a pistol
and both changed their route to escape. They abandoned the



motorcycle on the road and fired shots at the pursuing police vehicle.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09-08-2024. Petitioner bears seven criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that it is alleged that during a police chase, the petitioner and his associate opened fire at the police, leading to retaliatory firing in self-defense. The petitioner was found injured with a 9mm pistol and a motorcycle suspected to be stolen, and was taken for medical treatment under police custody. However, the petitioner claims false implication, stating he was actually apprehended on 24.07.2024 without any weapon, and sustained the injury due to police action. His wife has lodged a complaint against the police alleging illegal detention, extortion, and threat. Charge-sheet is submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances



of the case, period of custody of the petitioner and charge-sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Piya P.S. Case No. 134 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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