

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5981 of 2025

Arising Out of PS. Case No.-248 Year-2021 Thana- MITHANPURA District- Muzaffarpur

Prince Kumar Son of Raj Kapoor Resident of Mohalla- Diwan Road, P.S.-
Muzaffarpur Town, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaidehi Raman Prasad Singh, Adv.

For the Opposite Party/s : Mr. Anant Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

2. In the present case, the petitioner seeks bail in connection with Mithanpura P.S. Case No. 248 of 2021 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the son of the informant was shot at by three motorcycle borne miscreants while he was doing his duty as guard at the house of his landlord who subsequently died during treatment. Petitioner is stated to be one of the accused persons involved in the occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. It is apparent from the F.I.R. that there is a land dispute



between the employer of the deceased namely Kumar Rahul and his cousin Keshav Singh. The witness Rohit Singh is claiming to be an eye witness who alleged that three co-accused persons including this petitioner fired upon the deceased, causing injury on chest but only one gunshot injury was found on the body of the deceased which was stated to be by co-accused Keshav Singh. The post mortem report suggests that the deceased died due to gunshot injury and one gunshot injury was found on the person of the deceased. If allegation is against three persons for opening fire, finding of only one injury on the dead body falsifies the allegation against the petitioner. Learned counsel further submits that even otherwise, from the F.I.R it is apparent that allegation of firing upon the deceased is against co-accused Keshav Singh with whom the employer of the informant is having a land dispute. This fact has been admitted by the eye witness Rohit Singh that co-accused Keshav Singh fired on the deceased. Therefore, this petitioner could not be said to be the author of the fatal injury. Learned counsel further submits that co-accused person has been granted bail by this Court vide order dated 23.09.2022 passed in Cr. Miscellaneous No. 34465 of 2022. Charge sheet has been submitted in this case and the petitioner is in custody since 28.10.2024.



5. Learned APP for the State opposes the prayer for bail of the petitioner. Learned APP submits that there is allegation against the petitioner to be one of the miscreants and he is also having antecedent of one case.

6. Having regard to the facts and circumstances and submission made on behalf of the parties especially the fact that there is no allegation of firing the fatal shot against the petitioner and also considering the period of custody of the petitioner along with submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Muzaffarpur in connection with Mithanpura P.S. Case No. 248 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

Anuradha/-

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

