

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6994 of 2025

Arising Out of PS. Case No.-996 Year-2023 Thana- DIGHA District- Patna

1. Mithilesh Kumar Ray @ Mithilesh Kumar @ Mithilesh Rai Son of Ashok Rai Resident of Village - Nakta Diyara, P.S. - Digha, District - Patna. At Present Nasariganj, P.S. - Danapur, District - Patna
2. Subodh Rai Son of Ashok Rai Resident of Village - Nakta Diyara, P.S. - Digha, District - Patna. At Present Nasariganj, P.S. - Danapur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 07-04-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Digha P.S. Case No. 996 of 2023 instituted for the offences under Sections 307, 341, 325, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier vide order dated 20.09.2024, passed in Cr. Misc. No. 37843 of 2024, the prayer of the petitioners for grant of anticipatory bail was rejected. Therefore, the petitioners pray for regular bail.

4. Prosecution story, in short, is that on a dispute over



cremation of dead body of the father of the informant, the accused persons, variously armed, including the petitioners came and assaulted. It is further alleged that petitioner no. 1 fired upon the son of the informant due to which he sustained injuries whereas petitioner no. 2 fired upon one Deepak Kumar who also sustained injuries.

5. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submitted that general and omnibus allegation has been made against these petitioners. The only specific allegation against the petitioner nos.1 and 2 is that they fired upon one Vikash Kumar and Deepak Kumar, respectively. Learned counsel further contended that the injuries sustained by the injured persons are simple in nature. It has been submitted on behalf of the petitioners that the petitioners are in custody since 03.12.2024 and have no criminal antecedent.

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

7. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail, *after*



framing of charge, if not already framed, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Digha P.S. Case No. 996 of 2023, subject to the following conditions:

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

(II) The petitioners 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 petitioners.

(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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