

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11336 of 2025

Arising Out of PS. Case No.-339 Year-2024 Thana- MINAPUR District- Muzaffarpur

Mithilesh Rai @ Mithlesh Rai S/O Rameswar Ray @ Rameshvar Rai @
Ramshrey Ray @ Rameshwar Rai R/O Village- Kalyanpur, P.S- Minapur,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 16-05-2025 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner makes a prayer for bail in connection with Minapur P.S Case No.339 of 2024 registered for offences under Section 103(1), 61(2), 3(5) of the Bharatiya Nyaya Sanhita, Section 27 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation in the First Information Report is that the husband of the informant Vikash Kumar had left the house on a call and he was picked up on his way by one Raghubansh Sahni @ Raghu and thereafter, the informant received information that her husband was shot dead. She has stated in the F.I.R that in course of having party on the bridge,



her husband Vikash Kumar had been killed by means of a gun shot fired by Mukesh Sahni and other accused persons were also involved.

4. Learned counsel for the petitioner submits that it would be apparent from the F.I.R. itself that the informant is not an eye-witness of the case and the specific allegation of firing is on co-accused Mukesh Sahni. Further, the specific allegation of the deceased being picked up and last seen is also on one co-accused Raghubansh Sahni. So far as the petitioner is concerned, although his name has transpired in the F.I.R. itself, but no specific covert act has been attributed against him and his complicity in the said offence is based only on suspicion. The postmortem report is also on record which would show that the deceased had died due to fire-arm injury, which is attributable to co-accused, Mukesh Sahni.

5. Learned APP, however, opposes the grant of bail on the ground that the petitioner has confessed his complicity in the said offence before the Police. In response to the same, it is submitted by learned counsel for the petitioner that barring a confessional statement of the petitioner himself before the Police, which has no evidentiary value, there is no other material to connect the petitioner to the present offence.



6. Considering the period of custody and that charges have already been framed, the petitioner is enlarged 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 Exclusive Special Court Excise-I, Muzaffarpur, in connection with Minapur P.S Case No.339 of 2024, subject to the condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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