

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12050 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- NEORA District- Patna

Mithlesh Kumar Son of Sri Nivash Prasad @ Shri Nivash @ Sri Niwas Prasad
Resident of Vilage- Dhobia Kalanpur, Reganiyabag, P.S.- Naubatpur, Distt.-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the Opposite Party/s : Md. Aslam Ansari, APP
For the Informant : Mr. Anuj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-05-2025 Heard Mr. Satyapal Singh, learned counsel for the

petitioner, Mr. Anuj Kumar, learned counsel appearing on behalf
of the informant as well as Md. Aslam Ansari, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Neora P.S. Case No. 94 of 2024, F.I.R. dated
06.06.2024 for the offences punishable under Sections 302,
120(B) and 34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. According to prosecution case, all the accused
persons including the petitioner conspired and committed
murder of son of the informant where co-accused Upendra Rai
caught the informant's son and co-accused Tunnu Kumar shot



upon him resulting into his death.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Although petitioner is named in the F.I.R but there is no specific allegation of assault or firing against this petitioner. He further submits that as per the allegation, co-accused Upendra Rai caught hold the son of the informant and another co-accused Tunnu Kumar fired upon him and he died. He further submits that it appears from the F.I.R that there is no allegation of firing against the petitioner and at best the petitioner is the member of the mob.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that with common intention, all the accused persons including the petitioner have committed the present crime in question.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation of firing against the petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of



the order, 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 the learned Additional Chief Judicial Magistrate IV, Danapur, Patna in connection with Neora P.S. Case No. 94 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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