

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16238 of 2025

Arising Out of PS. Case No.-225 Year-2024 Thana- SANDESH District- Bhojpur

Mithun Kumar aged about 32 years (male) Son of Surendra Singh @
Surendra Seth Resident of Village - Dehari, P.S. - Sandesh, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmatma Singh, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner is in custody since 28.07.2023 in a case
registered for an offence punishable under Sections 103(1), 61,
3(5) of the BNS and Section 27 Arms Act.

3. As per the prosecution case, the informant in his
fardbayan has stated that on 26.07.2024 in the night, the
informant's grand son (*nati*) was in telephonic conversation with
Mithun Kumar (petitioner) between 10:00 to 11:00 PM, after
which, he went there to meet him. On the next morning i.e. on
27.07.2024 at about 06:00 A.M, someone informed that his *nati*
was shot dead by someone and his dead body was lying near
Dihri bridge. It has also been alleged that four months ago, the



present petitioner along with his four brothers had threatened Vishal Kumar (deceased) to kill but at that time the matter was resolved with the intervention of the members of the society.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that there is no eye witness in this case and no eye witness mentioned in the F.I.R and due to suspicion, petitioner's name has been transpired in this case. He next submits that petitioner has got no criminal antecedent as stated in para-03 of the bail petition.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he was involved in telephonic conversation with the deceased just before the day of his death. He further submits that from perusal of the case diary, it also appears that one country made pistol has also been recovered from the possession of the petitioner.

6. From perusal of the First Information Report, post-mortem report, case diary and impugned order dated 05.02.2025, it appears that petitioner has confessed his guilt before the police and one country made pistol has been recovered from the possession of the petitioner as well as the



fact that informant has categorically stated the name of the petitioner in the whole occurrence. So, considering the aforesaid facts and circumstances of the case, submission of the learned counsel for both the parties. I am not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner is hereby, rejected.

(Ramesh Chand Malviya, J)

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