

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17701 of 2025**

Arising Out of PS. Case No.-78 Year-2022 Thana- DHAMDAHA District- Purnia

Mithwa Mandal @ Mithlesh Kumar @ Mithesh Kumar @ Mithas Kumar Son  
of Sri Anandi Mandal Resident of Vill- Saurkahi, Ward No. 1, P.S.-  
Dhamdaha, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      03-04-2025      Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner seeks bail in connection with  
Dhamdaha P.S. Case No. 78 of 2022 instituted for the offence  
under Sections 302/34 of the Indian Penal Code.

3.      As per prosecution case, the allegation against the  
petitioner is that he along with other named accused persons  
was involved in killing of the informant's *Samdhi* by throttling.

4.      It has been submitted on behalf of the petitioner  
that the petitioner is in custody since 23-12-2024. Petitioner  
bears no criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that informant and petitioner is agnate and there is subsisting land dispute between them. No incriminating article has been recovered from the possession of the petitioner. There is no eye witness to the occurrence. Charge sheet is submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is next submitted that petitioner is named in the FIR with an allegation that petitioner and co-accused persons in furtherance of their common object have committed murder of deceased. Moreover, informant, an eyewitness, has supported the prosecution version in her restatement. It is lastly contended that bail of similar co-accused has been rejected by a Co-ordinate Bench of this Court vide order dated 22-08-2023, passed in Cr. Misc. No. 30702 of 2023.

7. Considering the aforesaid facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail is, accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as



expeditiously as possible without any undue delay and unnecessary adjournments.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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