

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28160 of 2025

Arising Out of PS. Case No.-234 Year-2024 Thana- MINAPUR District- Muzaffarpur

Mithun Rai @ Mithun Kumar S/o Radha Sahni R/o Village- Tengarari Tole-
Dhaphar, P.S.- Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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

ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Minapur P.S. Case No. 234 of 2024 instituted for the offences
under Sections 126(2), 109, 61(a), 3/5 of the Bhartiya Nyaya
Sanhita, 2023 and Sections 26, 35, 27 of the Arms Act.

3. As per prosecution case, two persons came on
Apache motorcycle and started firing at the Informant's husband
Nandu Kumar due to which he sustained fire-arm injuries upon
his hand and chest.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The petitioner is not named in the F.I.R. and his name has transpired in this case on the basis of the confessional statement of the co-accused Pankaj Kumar @ Amit Kumar recorded before the police. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. It is also submitted that the co-accused Munna Kumar in his confessional statement has also confessed his guilt of firing upon Nanu Kumar by pistol. The petitioner has nothing to do with the entire occurrence and he has also no concern with the co-accused Pankaj Kumar and Munna Kumar in any manner. No Test Identification Parade has been conducted in this case as yet. The petitioner has eight criminal antecedent and is languishing in judicial custody since 24.12.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. Charge-sheet has been submitted in this case.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after*



framing of charge if not already framed, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Minapur P.S. Case No. 234 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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