

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27746 of 2025

Arising Out of PS. Case No.-1571 Year-2023 Thana- DANAPUR District- Patna

Mithilesh Kumar @ Mithilesh Singh @ Mithilesh Kumar Singh S/o Late
Awadhesh Prasad Singh R/o Village- Nawada Jaidpur, PS- Jaidpur, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate

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

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

ORAL ORDER

3 05-08-2025 Heard learned senior counsel for the petitioner,

learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Danapur P.S. Case No. 1571 of 2023, instituted for the offences
punishable under Sections 302, 120(B), 34 of the Indian Penal
Code, read with Sections 25(1-B)(a), 26, 27 and 35 of the Arms
Act.

3. The prosecution case, in short, is that while
escorting an under trial victim to Danapur Court, two assailants
opened fire at the parking area. The victim was shot multiple
times and later died during treatment. Both the attackers were
caught with firearms and ammunition.

4. Learned senior counsel for the petitioner submits



that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Tahsil Jalal and Samarjeet and the same has got no evidentiary value. There is no any evidence found against the petitioner in course of investigation. Neither any specific allegation has been attributed against the petitioner nor any arms or ammunition have been recovered from the possession of the petitioner. The petitioner is in custody since 21.12.2024 and has got thirteen criminal antecedents.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail *after framing of charge, if not already framed* on furnishing bail bonds of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Danapur P.S. Case No. 1571 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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