

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42244 of 2025

Arising Out of PS. Case No.-434 Year-2023 Thana- UJIYARPUR District- Samastipur

Mithlesh Kumar @ Mithlesh Mahto @ Mithilesh Mahto S/O Late Shivjee
Mahto At and P.O- Pachpaik, P.S- Ujarpur, Distt.- Samastipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar Kunwar, Advocate
For the State	:	Mr. Harendra Prasad, APP
For the Informant	:	Mr. Mahendra Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-09-2025 Heard Mr. Shashank Shekhar Kunwar, learned counsel for the petitioner, Mr. Mahendra Pratap, learned counsel for the informant and Mr. Harendra Prasad, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 22.12.2023 in connection with Ujarpur P.S. Case No. 434 of 2023, F.I.R. dated 27.11.2023 for the offences punishable under Section 341, 342, 307, 302/34 of the IPC, 1860 and Section 27 of the Arms Act.

3. According to prosecution case, this petitioner along with two other accused persons dragged the son of the informant and both the accused persons caught hold of the deceased and this petitioner fired upon him resulting into his death. It is



further alleged that co-accused Mahesh Mahto also fired upon the elder son of the informant.

4. Earlier, the petitioner has moved before this Court for grant of regular bail in Cr. Misc. No. 40523 of 2024 but the same got rejected vide order dated 18.09.2024.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present. He further submits that the police after investigation submitted the charge sheet against the petitioner and charge has been framed on 03.06.2024 but the trial has not been concluded as yet. The petitioner is in custody since 22.12.2023.

6. Vide order dated 18.07.2025, a report was called for with regard to the present stage of trial. Report of the learned Trial Court dated 07.08.2025 reveals that prosecution has failed to produce any witness as yet and the case is pending for the investigation of altogether 11 prosecution witnesses.

7. Learned counsel for the petitioner, referring to the report of the learned trial Court submits that the trial is not likely to be concluded in near future and the petitioner is under custody since 22.12.2023.

8. 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 from perusal of the F.I.R it appears that there is direct and specific allegation against the petitioner that he has fired upon the son of the informant and apart from that a number of witnesses are in support of the case of the prosecution.

9. Considering the aforesaid facts and circumstances as well as report of the learned Trial Court, let the petitioner, above named, 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 District and Sessions Judge, Samastipur in connection with Ujiarpur P.S. Case No. 434 of 2023, subject to the 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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