

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35655 of 2025

Arising Out of PS. Case No.-304 Year-2024 Thana- AMARPUR District- Banka

Mithun Yadav @ Prince Kumar son of Late Gopal Yadav Resident Of Village
-Badi Mirzapur, Ps- Kasim Bazar, Dist- Munger Presently Residing at village-
Badi jankipur, Ps- Amarpur, dist- Banka. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 10-10-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Amarpur

P.S. Case No. 304/2024, registered for the offence under Sections

341, 323, 307, 385, 386, 504, 506/34 of the Indian Penal Code

& Section 27 of Arms Act.

3. The accused/petitioner is named in the F.I.R. and is

in custody since 18.02.2025.

4. The allegation against the petitioner is to demand

extortion money of Rs. 5 lacs and also to fire upon the informant

without causing any firearm injury.

5. Learned counsel appearing on behalf of the petitioner

submitted that as petitioner objected to the informant for using

low grade materials in construction work of the road alongwith



other co-villagers, he was implicated with present false case. It is submitted that if it had so, certainly the empty cartridge must found at the place of occurrence. It is submitted that one of the reason behind false implication of this petitioner is his criminal antecedents, as he found involved in 19 more criminal cases. It is also submitted that no firearm injury was caused and there is also no allegation of repetition of firing and, therefore, it is *prima facie* difficult to gather intention to cause death.

6. Arguing further, it is submitted that merely on the ground of criminal antecedents, prayer of bail should not be ordinarily rejected if the merit of the case is otherwise in favour of the accused/petitioner and in support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another*** reported in ***(2020) 11 SCC 648***. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposed the prayer of bail.

8. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* it appears that accusation raised



against the petitioner in the background of construction of road work which was objected by other co-villagers, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 18.02.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Amarpur P.S. Case No. 304/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VII, Banka/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS, with further conditions:-

(i) That the petitioner shall not involve/indulge in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the



Trial Court, only on medical ground of the
petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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