

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46780 of 2025

Arising Out of PS. Case No.-168 Year-2023 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Mithlesh Singh @ Mithlesh Yadav @ Mithilesh Kumar @ Mithilesh Yadav
S/O Sri Kishori Singh @ Kishore Singh R/O Village- Manjhauri, P.S-
Salimpur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

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

ORAL ORDER

3 02-09-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Bakhtiyarpur G.R. P.S. Case No. 168 of 2023 instituted for the
offences under Sections 302, 120B, 34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. Prosecution case, in short, is that, the accused
persons fired upon the informant's brother due to which he died
on the spot. It is alleged that the petitioner is also involved in the
alleged occurrence.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the



present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case in course of investigation on the basis of confessional statement of the co-accused Santosh Kumar. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature rather the specific allegation of firing upon the deceased is against co-accused Golu Kumar, Santosh Kumar and Laddo Yadav. Learned counsel further submitted that except confessional statement of the co-accused, there is no cogent material against the petitioner to show his involvement in the alleged occurrence. The petitioner is not the mobile holder and there is no question of any tower location of mobile of the petitioner as mentioned in the impugned order to be near the place of occurrence. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.02.2025 and has two criminal antecedents.

5. Learned counsel for the petitioners again submits that the co-accused namely Sanjay Singh has been granted bail by this Court vide order dated 04.04.2025 passed in Cr. Misc. No. 11932 of 2025.

6. Learned A.P.P. for the State vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further



submitted that prayer for grant of bail to a co-accused persons has already been rejected vide order dated 19.03.2025 passed in Cr. Misc. No. 77274 of 2024. Learned counsel for the State further submits that as per allegation, the petitioner was acting as a liner and, thus, is involved in the criminal conspiracy.

7. Considering the aforesaid facts and circumstances of the case, there being no direct allegation of firing upon the deceased as also the period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bakhtiyarpur G.R. P.S. Case No. 168 of 2023.

(Rudra Prakash Mishra, J)

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