

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47068 of 2025

Arising Out of PS. Case No.-305 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

Mithlesh Rai @ Sanjay Kumar Son of Ramayan Rai Resident of Village -
Bahrapur, P.S.- Baikunthpur, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmveer, Adv.

For the Opposite Party/s : Mrs. Renu Kumari, APP

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

ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioner and Mrs.
Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with Baikunthpur P.S. Case No. 305 of 2018, instituted for the offences punishable under Sections 447, 341, 323, 324, 325, 427, 307, 379, 504 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that, after returning from a funeral, the informant received a call and asked him to come outside of his house, where Mithlesh Rai (petitioner) along with other co-accused persons attacked him. They brutally assaulted him and his father, robbed valuables from him and left him unconscious. The accused persons also damaged his car before fleeing, leaving his life in danger.



4. Learned 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. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner is only the order giver. The petitioner is in custody since 19.03.2025 and has got twelve criminal antecedents in which he is on bail. Learned counsel for the petitioner further submits that charge-sheet has been submitted against the petitioner and the charges has also been framed against the petitioner in Sessions Trial No. 284 of 2025 in which the father of the informant as P.W.1 and the informant P.W.2 have not supported the prosecution case and have been declared hostile by the prosecution. He further submits that both the parties have also entered into compromise and a compromise petition has also been filed before the learned court below on 22.03.2025. It is further submitted that from the impugned order, it appears that out of five non-official witnesses, two witnesses have been examined.

5. Learned counsel for the petitioner again submits that the co-accused namely Deva Kumar Ray has been granted bail by this Court vide order dated 20.03.2025 passed in Cr.



Misc. No. 87267 of 2024.

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

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baikunthpur P.S. Case No. 305 of 2018, 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)

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