

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61306 of 2025

Arising Out of PS. Case No.-662 Year-2018 Thana- MOTIPUR District- Muzaffarpur

Mithilesh Giri @ Mithilesh Gosai @ Nicky Gosai S/o Late Chandraeshwar
Gosai R/o Village- Mohjama, P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 04-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Session Trial No. 226 of 2019 arising out of Motipur P.S. Case No. 662 of 2018 registered for the alleged offences under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, four miscreants from a motorcycle opened indiscriminate firing and one shot hit the nephew of the informant in his left chest. The name of petitioner transpired during investigation for being involved in the said offence.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner has no concern with the alleged occurrence. The name of the petitioner came up in the confessional statement of co-accused Md. Arif Hussain, who has been released on regular bail vide order dated 23.01.2019 passed in Criminal Misc. No. 3055 of 2019 by a learned Single Judge. Nothing incriminating has been recovered from the person or possession of this petitioner who has been apprehended merely on suspicion. The motorcycle recovered from the spot does not belong to the petitioner. The petitioner is having antecedent of five cases and he is on bail in all those cases. The petitioner is in custody since 05.03.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and lack of substantive material against him and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Additional Sessions Judge-XX,



Muzaffarpur/court concerned in connection with Session Trial No. 226 of 2019 arising out of Motipur P.S. Case No. 662 of 2018, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

