

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74431 of 2024

Arising Out of PS. Case No.-245 Year-2024 Thana- GOPALPUR District- Patna

Chandan Kumar Son of Lal Babu Yadav Resident of village- Pansari, PS-
Dulhin Bazar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 80862 of 2024

Arising Out of PS. Case No.-245 Year-2024 Thana- GOPALPUR District- Patna

Mithilesh Rai Son of Sri Ramishwar Rai Resident of Village- Ilahibagh, P.S.-
Gopalpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 74431 of 2024)
For the Petitioner/s : Mr.Saurav Kumar Suman, Advocate
For the State : Mr.Rajendra Nath Jha, APP
For the informant : Mr. Abhishek Rai, Advocate
(In CRIMINAL MISCELLANEOUS No. 80862 of 2024)
For the Petitioner/s : Mr.Raj Shekhar, Advocate
For the State : Mr.Narsingh Tanti, APP
For the Informant : Mr. Abhishek Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 29-01-2025 Heard learned counsel for the petitioners and learned

APP for the State as well as learned counsel appearing on behalf

of the informant.

2. In the present case, the petitioners seek bail in

connection with Gopalpur P.S. Case No. 245 of 2024, registered



for the alleged offences under Sections 341, 307, 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner Mithilesh Rai and other co-accused persons came at the place where the informant was sitting and co-accused persons opened fire upon him and they shot at him in head and thigh. Petitioner Mithilesh Rai is stated to have acting as liner and during investigation it has transpired that the petitioner Chandan Kumar was also involved in the occurrence.

4. It has been submitted on behalf of the petitioners are the petitioners are innocent and have falsely been implicated in this case. From the FIR it is clear that the allegation of opening fire is against co-accused Jitendra Kumar and Lalindra Kumar. The allegation against petitioner Chandan Kumar is that the assailants came on the four wheeler being driven by petitioner Chandan Kumar but the said allegation is completely false. Though during investigation it has come that the petitioner Chandan Kumar has been made accused in this case on the basis of CCTV footage for driving a car but that does not show the involvement of the petitioner in the alleged occurrence. The petitioner has been made accused only on suspicion. Moreover, no overt act has been attributed against him. Similarly, except



for bland allegation that the petitioner Mithilesh Rai acted as liner there is no specific allegation against him. It has been further submitted that the informant is bearing grudge against petitioner Mithilesh Rai and his wife has lodged Gopalpur P.S. Case No. 437 of 2022 under Sections 147, 148, 149, 341, 323, 307, 380, 354, 504, 506 of the Indian Penal Code against the petitioner and the petitioner Mithilesh Rai is on bail in that case. It has been submitted on behalf of petitioner Mithilesh Rai that the charge sheet was submitted by stating that further investigation was required regarding involvement of petitioner Mithilesh Rai in the occurrence. After half baked investigation police submitted charge sheet against the petitioners to deny the benefit of Section 167(2) Cr.P.C. It has also been submitted on behalf of the petitioners that the informant himself is a notorious criminal and five cases are pending against him for serious offences. It has also been submitted on behalf of the petitioners that the story of informant is not believable as at 7.30 PM he saw all the accused persons and described their roles which appears to be quite imaginary. The petitioners are in custody since 25.06.2024. Petitioner Chandan Kumar has clean antecedent.

5. Learned APP as well as learned counsel appearing



on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that the petitioner Chandan Kumar was apprehended on the basis of CCTV footage and from his car the assailants were brought to the place of occurrence. Learned counsel further submits that the petitioners are equally liable along with the persons who opened fire on the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation and lack of substantive material against the petitioners and submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-XI, Patna/concerned Court in connection with Gopalpur P.S. Case No. 245 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners 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 bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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