

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79286 of 2025

Arising Out of PS. Case No.-702 Year-2023 Thana- FATUA District- Patna

Mithlesh Kumar @ Chhotka @ Chhote Yadav S/o Raj Ballabh Yadav @ Kailu
@ Kalu @ Raj Ballam @ Kailu yadav Resident of - Surgapur, P.S - Fatuha,
District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mickey Singh, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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

ORAL ORDER

2 25-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Fatuha
P.S. Case No. 702 of 2023 instituted for the offences under
Sections 302, 34, 120B of the IPC and Section 27 of the Arms
Act.

3. The prosecution case, in short, is that the accused
persons, including the petitioner, allegedly opened
indiscriminate fire on the informant's elder son over a land and
milk-payment dispute, causing his death.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel for the petitioner submitted that general and



omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that there is land dispute between the parties. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.09.2025 and has four criminal antecedents. Learned counsel further submitted that several co-accused persons has already been granted bail by different coordinate Benches of this Court vide Annexure-2 Series to the present bail application.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, 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 Fatuha P.S. Case No. 702 of 2023, 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.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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