

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88083 of 2024

Arising Out of PS. Case No.-329 Year-2024 Thana- SABAUR District- Bhagalpur

Mithun Kumar S/o Kailash Mandal R/o Village- Shankarpur, P.S.- Sabaur,
Dist.- Bhaglpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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

ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sabaur
P.S. Case No. 329 of 2024 instituted for the offences under
Sections 103(1), 3(5) of the BNS.

3. Accusation against the unknown accused person is
of commission of murder of the informant's brother.

4. Learned counsel for the petitioner submitted that the
petitioner 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 during investigation on the basis of
confessional statement of the co-accused Abhishek @
Visheshwar before the police. Learned counsel further submitted



that petitioner is being dragged in this case due to enmity of Abhishek Kumar with the petitioner. Learned counsel further contended that the petitioner was not seen even in the CCTV footage. Learned counsel further submitted that there is no material on record to show the involvement of the petitioner in the alleged occurrence. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.09.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that as per material available in the case diary, co-accused Abhishek Kumar with the help of the other accused persons including this petitioner committed the murder of the deceased. Learned APP further submitted that other witnesses have also supported the case of the prosecution.

6. Considering the aforesaid facts and circumstances of the case, there being no direct material against the petitioner to prove his involvement in the alleged occurrence 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 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 Sabaur P.S. Case No. 329 of 2024, 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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