

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41670 of 2025

Arising Out of PS. Case No.-346 Year-2024 Thana- CHAPRA TOWN District- Saran

Mithilesh Singh @ Mithilesh Kumar Singh S/o Raj Kumar Singh Resident of
Ward No 42, Nayi Basti Badatelpa, PS-Chhapra Town, District-Saran at
Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vindhya Keshari Singh, Sr. Adv
Mr. Yashraj Bardhan, Adv
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 10-03-2026 1. Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 307, 302/34
and 120(B) of the Indian Penal Code as well as Section 27 of
the Arms Act and later on Sections 25(1-b)a, 26 and 35 of the
Arms Act were added.
3. The SHO-cum-Investigating Officer of the case, in
compliance of the order dated 24-2-2026, is present in the
Court.
4. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that on 20.05.2024 during Lok Sabha Election at Booth



Nos. 318 and 319, the RJD candidate came when some miscreants abused and misbehaved with her and also attacked her for which Chapra P.S. Case No. 342 of 2024 was instituted. It is next alleged that on account of the said occurrence dated 20.05.2024, 12 named accused persons including the petitioner on 21.05.2024 along with 40-50 unknown accused came variously armed and intercepted his son Chandan Ram at 07:00 a.m. at Bhikhari Chauk, further on orders of Chandan Singh, Manoj and Mintu and Ramakant Singh shot the son of the informant on his chest, thereafter petitioner shot Guddu Kumar causing injury on his waist while Ram Pratap Singh shot Manoj Ram causing injury on his temple and Satya Nand Singh shot Deepak causing injury on his right rib. It is further alleged that on alarm, the informant along with others came at the place of occurrence when the accused persons fled away and the injured were taken to the hospital where Doctor declared Chandan Rai dead.

5. Learned senior counsel for the petitioner submits that the case was taken up on 24-2-2026, when it was argued that from perusal of the injury report of Guddu annexed as Annexure-P/7, i.e., injury report issued by Sadar Hospital, Saran, it would manifest that the same does not record that



Guddu suffered fire-arm injury as such the SHO-cum-Investigating Officer was directed to remain physically present along with the injury report. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that specific allegation is alleged against the petitioner of causing firearm injury to Guddu but then from perusal of the FIR, it would manifest that informant himself alleges that on alarm he along with others came at the place of occurrence when the accused persons fled away, it is thus submitted that informant is not an eyewitness to the occurrence but still with such precision he has alleged who fired at whom and causing injury where. It is also submitted that it absolutely does not stand to reason that on what basis the informant alleges that petitioner was present at the place of occurrence and he fired causing injury to Guddu, when it is not disclosed in the FIR that the informant came to know about the presence of the accused persons including the petitioner by any of the injured or any eyewitness to the occurrence. It is also submitted that the occurrence took place at 07:00 a.m. and the FIR came to be instituted at 08:30 p.m. on the same day i.e. after a delay of more than twelve hours which amply demonstrates that the FIR was instituted after due consultation. It is reiterated and



submitted that petitioner is a person with clean antecedent and has been implicated in the instant case with an allegation that he fired causing injury to Guddu by the informant who is not an eye-witness to the occurrence. It is also submitted that petitioner is in custody since 2-5-2025 and charge-sheet has been submitted.

6. Learned A.P.P. for the State based on instruction opposes the regular bail of the petitioner, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the injury report issued by Sadar Hospital, Saran, does not record about fire-arm injury, but then submits that from perusal of the bed head ticket issued by the Patna Medical College and Hospital, it would manifest that the same records – an alleged case of fire-arm injury to Buttock with regard to Guddu, on which the learned senior counsel appearing on behalf of the petitioner submits that even presuming what has been alleged is true without admitting then whether can it be alleged with certainty that it was petitioner who fired, when informant himself is not an eye-witness to the occurrence, as would manifest when the FIR is read in its entirety.

7. On query of the court from the SHO-cum-



Investigating Officer that as to what transpired during the course of investigation against the petitioner, on which it is fairly submitted that during the course of investigation from video footage it was culled out that petitioner was not carrying any fire-arm.

8. At this stage, learned APP submits that if privilege of bail is granted to the petitioner, the petitioner may abscond, on which the learned senior counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the trial to prove his innocence.

9. After hearing the learned counsel for the parties and taking into consideration the submission made by learned senior counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chhapra Town P.S. Case No. 346 of 2024.

10. One of the bailors of the petitioner shall be his father, Raj Kumar Singh.

11. However, it is made clear that if the learned trial court comes to a conclusion that the petitioner after his release



is trying to delay the framing of charge or after framing of charge is trying to delay the trial in any manner, in both the conditions, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

12. The personal appearance of the SHO-cum-Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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