

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74157 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- Jaitpur District- Muzaffarpur

Mithlesh Singh @ Mithlesh Kumar Singh S/O Late Awdhesh Singh @ Late Awdhesh Prasad Singh R/O Village- Nawada, P.S- Saraiya (Jaitpur), Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Ankita Kumari, Advocate Mr. Krishna Gopal Abhay, Advocate Mr. Aditya Prakash, Advocate
For the State	:	Mr. Pranav Kumar, A.P.P. Mr. J. N. Thakur, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 11-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 103 (1) and 61 (2) of B.N.S. 2023.

3. As per the prosecution case, father of the informant was shot dead by unknown persons.

4. Learned counsel for the petitioner has submitted that the First Information Report was lodged against unknown and the name of the petitioner transpired during the course of investigation in the confessional statement of other co-accused persons. It has been submitted that, as a matter of fact, the petitioner was behind bars at the relevant time of occurrence and it has been alleged against him that two persons namely Agam and Alok Kumar @ Bittu had gone



to meet him in jail and had taken orders from him for committing the said offence. However, by an information sought by way of R.T.I, it would feature that on the alleged date no one had gone to meet the petitioner in Vaishali jail. Further, the two co-accused persons, who are said to have met the petitioner, one of them Alok Kumar @ Bittu, has been granted bail by a Co-ordinate Bench of this Court, vide order dated 31.01.2026 passed in Cr. Misc. No. 44234 of 2025 and the other accused Agam Kumar has been granted the privilege of anticipatory bail vide order dated 10.02.2025 passed in Cr. Misc. No. 89033 of 2025. The case of the petitioner definitely stands on a much better footing. Besides these accused persons, even other co-accused persons namely Abhishek Pandey and Vishal Kumar have also been released on bail by different Co-ordinate Benches of this Court vide order dated 18.09.2025 passed in Cr. Misc. No. 65088 of 2025 and vide order dated 19.11.2025 passed in Cr. Misc. No. 71764 of 2025 respectively. Petitioner is languishing in custody since 25.06.2025 and charge sheet has already been submitted.

5. Learned APP for the State opposes the bail petition on the ground that there are materials against the petitioner and also there are several criminal antecedents. In response, however, it has been submitted that the petitioner is on bail in all the other cases.

6. Taking the rival contention into consideration and further considering the fact that there is no direct allegations or evidence available against the petitioner with regard to commission



of the offence in question, coupled with the fact that the other similarly situated co-accused persons have granted regular/anticipatory bail by different benches of this Court, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Jaipur P.S. Case No. of 36 of 2025, subject to the condition that :

(i) The petitioner shall remain physically present in court on each and every date till charges are framed and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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