

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76373 of 2025

Arising Out of PS. Case No.-246 Year-2024 Thana- BENIPATTI District- Madhubani

Mithun Giri @ Mithun Kumar Giri Son of Ram Pravesh Giri R/o Village-
Dhanauja, P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratna Priya
For the State : Mr.Ajit Kumar
For the informant : Mr. Ankit Raj

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 402-04-2026
1.

Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2.

This application, for grant of anticipatory bail, arises out of Benipatti Police Station Case No. 246 of 2024, dated 22.10.2024, disclosing offences punishable under Sections 103(1)/61(2)/3(5) of the Bhartiya Nyaya Sanhita, 2023.
3.

The prosecution case, as per the First Information Report lodged on 22.10.2024, is that the on 20.10.2024, at about 9 PM, co-accused Bobby Mishra @ Vikrant Mishra came near the house of the informant and started talking loudly on mobile phone with one Manoj. After sometime, he



went away from there for smoking. On 21.10.2024, again around 9 PM, co-accused Bobby Mishra called the father of the informant to meet him, but his father objected. Further, Manoj called the informant's father and upon which, the informant's father met with them. After sometime, the brother of the informant received information that his father was lying in front of the grocery shop of Raj Kumar and when the informant reached there, he saw that his father was shot dead and blood was oozing out.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has been named in the First Information Report on the basis of suspicion only. In course of investigation, the eye-witness, Chandrakant Jha, has told that two persons were there on the motorcycle, one of whom was co-accused Bobby Mishra, having a gun in his waist, and another one was Happy Mishra, and this witness saw them fleeing away from the place of occurrence.
5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and



submits that in the First Information Report itself, strong belief has been shown by the informant that the petitioner, along with other accused persons, in conspiracy with each other, has killed the father of the informant. During course of investigation, witness Prabhu Narayan Mishra, in paragraph 20 of the case diary, has stated that the petitioner, along with others, has conspired to kill the father of the informant.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner has been made accused on the basis of suspicion only, he is having no criminal antecedent and at the place of occurrence, only two persons, Bobby Mishra and Happy Mishra, were seen by the eye-witness, one of whom was carrying gun in his waist, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate-I, Benipatti,
Madhubani, in connection with Benipatti Police Station
Case No. 246 of 2024, subject to the condition laid down
under Section 482 (2) of the Bharatiya Nagarik Suraksha
Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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