

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83440 of 2024**

Arising Out of PS. Case No.-98 Year-2022 Thana- KHARIK District- Bhagalpur

Mithlesh Sharma @ Mithilesh Kumar Son of Subhash Chandra Sharma  
Resident of Vill- Chakrami, P.S.- Bhawanipur (Narayanpur), District-  
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Thakur, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, A.P.P.

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

ORAL ORDER

6      05-02-2026                      Heard learned counsel for the petitioner and learned  
APP for the State. Perused the case diary.

2. The petitioner apprehends his arrest in connection  
with Kharik P.S. Case No. 98 of 2022, instituted for the  
offences under Sections 302, 307, 120(b)/34 of the Indian Penal  
Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that petitioner and  
other co-accused persons came on two motorcycles and fired  
upon father of the informant resultantly he sustained firearm  
injury and died.

4. Learned counsel for the petitioner submitted that the  
petitioner has falsely been implicated in the present case. The  
name of the petitioner transpired in this case because he is  
brother of one Chandan Kumar Sharma except that there is



noting against the petitioner. Petitioner is only co-villager of the informant. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. At the time of occurrence, the petitioner was not present on the place of occurrence. It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. The other co-accused have been granted regular bail by this Bench.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of offences, in my view, this is not a fit case for anticipatory bail.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioner is, hereby, rejected.

8. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be disposed of on its own merit without being prejudiced by this order.

**(Rudra Prakash Mishra, J)**

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