

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87516 of 2025

Arising Out of PS. Case No.-108 Year-2025 Thana- MITHANPURA District- Muzaffarpur

Abhishek Tewatia @ Abhishek @ Vishu S/O Omveer Singh R/O Village-
Naya BAS, P.S- Gulawathi, Distt.- Bulandshehar. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rambabu Yadav, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-04-2026 Heard Mr. Rambabu Yadav, learned counsel for

the petitioner and Mr. Harendra Prasad, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
19.05.2025 in connection with Mithanpura P.S. Case No.108 of
2025, F.I.R. dated 08.05.2025 for the offences punishable under
Section 109, 61(2) of the Bharatiya Nyay Sanhita, 2023 and 27
of Arms Act.

3. According to prosecution case, it is alleged that on
07.05.2025 at 09.41 A.M when the son of the informant went
for taking breakfast and reached near Bharat Mata Chowk,
infront of one shop, two motorcycle borne miscreants came and
shot his son and due to which he sustained injury and later taken
to hospital for treatment.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. Petitioner is not named in the FIR and his name transpired during investigation on the basis of confessional statement of co-accused person, namely, Dindayal Yadav and except the confessional statement of co-accused person, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the possession of co-accused person. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.05.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries eleven criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned 3rd



Additional Session Judge, Muzaffarpur in connection with Mithanpura P.S. Case No.108 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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