

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27413 of 2020**

Arising Out of PS. Case No.-2 Year-2020 Thana- MAHUA District- Vaishali

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MRITUNJAY KUMAR @ MRITUNJAY KUMAR SINGH @
MRITYUNJAY KUMAR Son of Shivshankar Prasad Singh @ Shivshankar
Singh Resident of Village- Kutubpur Sahmal, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Vasant Vikas, Advocate

For the Opposite Party/s : Mr Bisheshwar Ram, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 27-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner apprehends arrest in connection with Mahua Police Station (for brevity *PS*) Case No 2 of 2020 dated 02.01.2020 instituted for the offence punishable under Sections 302, 120B of Indian Penal Code and Section 27 of Arms Act.



Prosecution case is that the informant was to serve tea to her husband in the morning when some persons came on motorcycle and shot dead her husband Manish Kumar Singh. Allegation against the petitioner and some other persons is of keeping watch and monitoring the occurrence.

Petitioner's counsel submits that implication is politically motivated as the petitioner happens to be a Ward Member. He bears a clean past and it is submitted that in fact the informant had been made an accused by mother of deceased in her Complaint Case No C1 – 328 of 2020 filed in respect of the same occurrence. The deceased was himself a history sheeter having at least 8 cases pending against him, details of which are specified in paragraph 12 of this petition. Other co-accused, similarly situated as the petitioner, have been allowed anticipatory bail by this Court in Cr Misc No 26568 of 2020.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in Mahua PS Case No 2 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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