

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23700 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- PIPRAKOTHI District- East Champaran

1. Kumar Mritunjay @ Mritunjay Singh @ Chhotu Singh, Son of Late Gupteshwar Pd. Singh, Resident of Village- Jaisinghpur Pulwaghat, P.S. Turkauliya, District - East Champaran.
2. Nisha Singh @ Nisha Devi, Wife of Kumar Mritunjay @ Mritunjay Singh @ Chhotu Singh, Resident of Village Jaisinghpur Pulwaghat, P.S. Turkauliya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Radha Mohan Singh, Advocate
For the S t a t e	:	Ms. Asha Kumari, APP
For the Informant	:	Mr. Manindra Kishore Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 13-11-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

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

Heard learned counsel for the petitioners and the learned APP for the State as well as the learned counsel for the informant, who has vehemently opposed the prayer for pre-arrest bail.



The petitioners are apprehending their arrest in connection with Piprakothi P.S. Case No.04 of 2020 registered for the offence punishable under Sections 302, 120B, 34 and 392 of the Indian Penal Code.

Prosecution case is that the victim has been taken away by the petitioners and one co-accused Chandan Sah, whereafter he has been found dead.

Petitioners' counsel submits that the petitioner no.1 is the husband of petitioner no.2 and there is a story that petitioner no.2 had illicit relation with the victim. Only on suspicion, the petitioners have been implicated.

Informant's counsel submits that co-accused Chandan Sah has also approached this Court for grant of pre-arrest bail, which has been rejected in Cr.Misc. No.20295 of 2020. Submission is that petitioner no.1 cannot claim any better treatment in the matter of consideration for pre-arrest bail than what has been meted out to the co-accused Chandan Sah. Petitioners' counsel thereafter submits that petitioner no.2 is entitled to different consideration, inasmuch as the allegation is that the victim had illicit relation with petitioner no.2 and therefore her involvement in the killing of the victim is highly improbable, for which there is no material in the entire case



diary.

Having considered the rival submissions, the prayer for pre-arrest bail on behalf of petitioner no.1, namely, Kumar Mritunjay @ Mritunjay Singh @ Chhotu Singh, is rejected. The prayer on behalf of petitioner no.2, namely, Nisha Singh @ Nisha Devi, is allowed.

Accordingly, let Petitioner No. 2, Nisha Singh @ Nisha Devi, in the event of her 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 the learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Piprakothi P.S. Case No.04 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner no.2 who will give an affidavit giving genealogy as to how he is related with the petitioner no.2. The bailor will also undertake to inform the court if there is any change in the address of the petitioner no.2.

(ii) That the petitioner no.2 will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.



This Court would expect that the petitioners’ counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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