

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7512 of 2022

Arising Out of PS. Case No.-23 Year-2020 Thana- SALIMPUR District- Patna

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MIRTUNJAY KUMAR @ MIRTUNJAY RAI Son of Late Mittal Rai
Resident of Village - Saidpur, P.S. Salimpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suraj Kumar, Adv

For the Opposite Party/s : Mr.Satyendra Prasad,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offence punishable under Sections 147,148,149,302 of the IPC and Section 27 of Arms Act.

The allegation as per the First Information Report is that on 30.01.2020 when the nephew of the informant was going to attend the rituals of his marriage, he was accosted and surrounded by 13 named accused persons including petitioner and three unknown persons and they started firing upon him. It has further been alleged that out of 13 named accused persons,



four named accused persons namely, Rudal Rai, Nitish Rai, Dhanraj Rai and Mrityunjay Kumar dragged the nephew of the informant in the field where Mithilesh Kumar, the elder brother-in-law of Rudal Rai, Satyendra Prasad and Damaru Rai having pistols in their hands fired upon the nephew of the informant, on account of which, he died on the spot.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that the allegation of firing is against co-accused, namely, Mithlesh Kumar, Rudal Rai, Satyendra Prasad and Damaru Rai. He further submits that there is no specific allegation of assault or overt-act against the petitioner. He further submits that that the petitioner is said to be a member of the mob. He further submits that the several similarly situated co-accused persons have already been granted bail by different Coordinate Benches of this Hon'ble Court vide orders at Annexure-2 series. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three



more cases other than the present one.

Considering the aforesaid facts, 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 learned Court below where the case is pending in connection with G.R.No.138 of 2020 arising out of Salimpur P.S. Case No.23 of 2020, with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

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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