

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7145 of 2025

Arising Out of PS. Case No.-365 Year-2024 Thana- BARH District- Patna

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Mritunjay Singh @ Mritunjay Kumar @ Man Singh, S/o- Late Ram Kishore Prasad @ Kishori Mahto R/o Village-Dabhawan (Dabhama), P.S-Bhadaur, District-Patna. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Umesh Kumar Verma, Advocate
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, APP
For the Informant	:	Mr. Magan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 05-08-2025 Heard learned counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in connection with Barh P.S. Case No. 365 of 2024, (G.R. No. 1387/2024) registered for the offences under Sections 307, 120B, 34 of the Indian Penal Code and Sections 25(1-B), (a), 35/27 of Arms Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 27.07.2024.

4. The allegation against the petitioner is to open fire indiscriminately upon his wife and mother-in-law, while both of them visited a land, purchased by them.

5. Mr. Ajay Kumar Thakur, learned counsel appearing on behalf of the petitioner submitted that with passing time, the



relations between the petitioner and his wife strained particularly when the wife of the petitioner joined Bihar Police, as a Constable. It is submitted that after joining the service, she developed extra marital affairs and filed a divorce petition before the learned Principal Judge, Family Court, Patna against petitioner. It is pointed out that having all such backgrounds, she stepped in further to capture the property for which the entire consideration amount was paid by this petitioner though conceded that the same was purchased in the name of the mother-in-law of the petitioner. It is pointed out that it was co-accused Munni Lal, who is Bataidar of the petitioner, called petitioner on the spot while both daughter and mother visited the place of occurrence and, thereafter, on sudden provocation, the present occurrence took place. It is also submitted by Mr. Thakur that petitioner remains in custody for more than one year and despite the same, even the charge could not framed by learned trial court, suggesting conclusion of trial a remote aspect *prima facie* defeating the right of speedy trial as available to this petitioner. It is pointed out that the petitioner is not a criminal and the occurrence took place in the background of matrimonial discord. It is also pointed out by Mr. Thakur that both the injured left PMCH while they were referred by Sub-divisional Hospital, Barh against medical advice and admitted themselves to



in a private hospital and, thereafter, procured the injury report from the said private hospital, where manipulation cannot be ruled out.

6. Learned APP duly assisted by learned counsel Mr. Magan Kumar, appearing on behalf of the informant while opposing the prayer of bail submitted that the petitioner being the husband opened indiscriminate firing upon the informant and her mother receiving several bullet injuries, which *prima facie* suggest his intention to cause death, however, he could not dispute the factual background as submitted aforesaid behind the occurrence.

7. Considering the aforesaid facts and circumstances and by taking note of fact as petitioner remains in custody for more than one year, where admittedly even charge could not framed by learned trial court, accordingly, petitioner above named, is directed to be released on bail in connection with Barh P.S. Case No. 365 of 2024, (G.R. No. 1387/2024), on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Barh, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS, with further conditions that:-

(i) Accused/Petitioner shall cooperate



in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) Petitioner is directed not to advance any threat to injured/informant during pendency of trial and upon so, the informant/prosecution made application before the learned trial court itself for cancellation of bail bond of the petitioner.

8. At this stage, it is pointed out by learned counsel appearing for the informant that the petitioner found involved in one more criminal case and he is not a man of clean antecedent, contrary to his averment as made in para 3 of the bail petition. Countering the submission, Mr. Thakur submitted that in para-95 of the case diary itself, the investigating agency found this petitioner as a man of clean antecedent and for the said reason the petitioner has claimed his antecedent as clean. It is also pointed out by Mr. Thakur that one case was pending against the petitioner, which was lodged in year 2016, in which after trial he



was acquitted and, therefore, his antecedent was claimed as clean in para-3 of the bail petition.

9. Taking note of submissions and counter submissions regarding criminal antecedent, the learned trial is directed to verify the criminal antecedent of the petitioner while accepting the bail bond and if it appears that the petitioner is found involved in any criminal case, except case of acquittal as submitted, his bail bond shall not be accepted.

(Chandra Shekhar Jha, J)

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