

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40720 of 2025

Arising Out of PS. Case No.-593 Year-2024 Thana- AMARPUR District- Banka

Mirtunjay Kumar @ Mirtunjay Das @ Mrityunjay Kumar, aged about 24 years, Male, Son of Ashok Das, Resident of Village- Mainma, Police Station- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Amarpur P.S. Case No. 593 of 2024 instituted for the offences punishable under Sections 103(1) (302, IPC), 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner named in the FIR is alleged to have murdered the deceased / informant's husband namely Dayanand Singh @ Dayalu in collaboration with other co-accused by assaulting him with *lathi*, *danda* and *gunshot* as the deceased had demanded his dues money from the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has



falsely been implicated in this case merely on the basis of mere suspicion. He submits that after recovery of the dead body FIR has been lodged. He further submits that informant is not the eye witness in this case. He next submits that there are eight persons named in the FIR and petitioner is also named in the FIR but no specific allegation has been alleged against the petitioner except suspicion. He lastly submits that during investigation there is no any direct evidence comes against the petitioner. Petitioner is in custody since 17.04.2025.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary and impugned order of the learned District and Additional Sessions Judge-III, Banka dated 06.05.2025, it appears that petitioner is named in the FIR and his name transpired in this case only on the basis of suspicion. On the basis of the written report of the informant namely Rani Devi, FIR has been registered under Sections 103(1) (302, IPC), 3(5) of the B.N.S. and Section 27 of the Arms Act against eight accused persons including the present petitioner and the allegation is that he murdered the deceased / informant's husband namely Dayanand Singh @ Dayalu in collaboration with other co-accused by assaulting him with *lathi*, *danda* and *gunshot* as the deceased had demanded his



dues money from the accused persons. Similarly situated co-accused persons namely, Deepal Kumar @ Deepak Das @ Dipak Das, Sintu Kumar @ Sintu Das, Satish Chandra Das @ Chhatish Das and Shambhu Das have been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 30312 of 2025 vide order dated 13.08.2025, so considering all these aspects of the matter and submissions of learned counsel for the parties, I am inclined to grant bail to the petitioner.

7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka / Successor Court, Banka in connection with Amarpur P.S. Case No. 593 of 2024, subject to the condition that one of the bailors shall be the own / close family members of the petitioner.

(Ramesh Chand Malviya, J)

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