

Mritunjay Kumar vs The State Of Bihar on 19 February, 2025

Author: Khatim Reza

Bench: Khatim Reza

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6473 of 2025
Arising Out of PS. Case No.-544 Year-2024 Thana- GHOSI District-
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Mritunjay Kumar, Son of Late Baleshwar Mahto, Resident of Village -
Pirogha Math, Police Station - Ghoshi, District - Jehanabad.

... .. Pe

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 19-02-2025

Heard learned counsel for the petitioner and learned A.P.P. for the State as well as learned counsel for the informant.

2. The petitioner apprehends arrest in connection with Ghoshi P.S. Case No. 544 of 2024 dated 03.11.2024 instituted for the offence punishable under Sections 126(2), 115(2), 125, 109, 351(2), 352, 3(5) of Bhartiya Nyaya Sanhita, 2023 and Section 27 of Arms Act.

3. The prosecution case, in short, is that on the alleged date of occurrence, the petitioner along with other co-accused persons armed with weapon assaulted the informant and others. Allegation against the petitioner is that he was in inebriated condition and he assaulted Nirmal Mahto with butt of the pistol. It is alleged that other accused persons assaulted the informant and his family members. It is also alleged that during this Patna High Court CR. MISC. No. 6473 of 2025(2) dt.19-02-2025 incident, the petitioner also made firing.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is a government school teacher and he has not committed any offence. Allegation against the petitioner is that he assaulted with butt of pistol on the head of Nirmal Kumar, who sustained serious injuries. The injury report of Nirmal Kumar is said to be simple in nature caused by hard and blunt substances. Learned counsel for the

petitioner further submits that there is case and counter case between the parties. Counter case bearing Ghoshi P.S. Case No. 549 of 2024 under Section 329(4), 125(2), 115(2), 125, 110, 3(5) of Bhartiya Nyaya Sanhita has been lodged by co-accused, namely, Mukesh Kumar against the informant side. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that the petitioner assaulted with the butt of pistol on the head of Nirmal Kumar, which is vital part of the body. It is further submitted that the petitioner has one criminal antecedents which has not been stated in paragraph no. 3 of the Patna High Court CR. MISC. No. 6473 of 2025(2) dt.19-02-2025 anticipatory bail application.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Ghoshi P.S. Case No. 544 of 2024, he will be released on bail upon 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, Jehanabad, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. Learned court below is directed to verify the criminal antecedents of the petitioner before releasing him on bail as it has been stated and pleaded that the petitioner has no criminal antecedents. If any criminal antecedents of the petitioner is found, the petitioner shall not be released on bail and the prayer of the petitioner for anticipatory bail shall be treated as stands rejected.

(Khatim Reza, J) premchand/-

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