

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IV, SAHARSA

A.B.A. NO. 281/2026

Mrityunjay Singh And Another

.....Petitioner

versus

The State of Bihar

Order

07.04.2026

1. Anticipatory bail application has been filed on behalf of petitioners namely **1. Mrityunjay Singh and 2. Bhushan Singh**, who apprehend their arrest in connection with **Mahishi P.S Case No. 331/2025** registered under sections 126(2), 115(2), 303(2), 109, 76, 352, 351(2), 351(3), and 3(5) of BNS and 27 of Arms Act.

2. The prosecution story as per informant Savita Devi is that on 08.10.2025 at about 12:00 PM, Rahul Singh abused her son and manhandled her. It has been further alleged that again on 09.10.2025 at about 8:00 AM, Rahul Singh along with Mrityunjay Singh and Bhushan Singh opened fire on the son of the informant.

3. Heard Ld. Counsel for the petitioners and Ld. APP for the state.

4. Ld. Counsel for the petitioners submit that the main allegation is on co-accused Rahul Singh, who is not the petitioner in this anticipatory bail application and both the accused/petitioner has been falsely implicated.

5. Ld. APP vehemently opposes the bail petition stating that accused/petitioner **Mrityunjay Singh** is a habitual criminal having several case as criminal history, which has come in para 79 of case diary, which are as follows:-

(1). Mahishi P.S. case no. 08/2008 u/s 379, 427, 435, 506, 34 of IPC.

(2). Mahishi P.s. case no. 74/2014 u/s 341, 323, 504, 34 of IPC.

(3) Mahishi P.S. case no. 166/2024 u/s 30(A) of Bihar Prohibition and Excise Act.

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(4) Mahishi P.S. case no. 179/2025 u/s 126(2), 115(2), 329(4), 109, 352, 351(2), 351(3), 3(5) of BNS.

(5) Mahishi P.S. case no. 344/2025 u/s 30(A) Bihar Prohibition and Excise Act.

6. Perused the record and case diary. As per statement of victim Dilkhush Kumar Singh, which is recorded in para 5 of case diary, Rahul Singh and Mrityunjay Singh has beaten him and both in connivance, opened fire upon him. Even witnesses Ankit Kumar Singh in para 7 has stated about the participation in firing by accused/petitioner Mrityunjay Singh, and other witnesses Sonu Singh in para 11, Sulekha Devi in para 12 has supported the allegation against the accused/petitioner Mrityunjay Singh.

7. However on perusal of case diary, it transpires that accused/petitioner **no. 2 Bhushan Singh has not much role** in commission of crime and there is no participation or over act on his part.

8. considering the no active participation on the part of accused/petitioner Bhushan Singh in the alleged crime, his prayer for anticipatory bail is **allowed** and he shall be **released on bail** in the event of his arrest **or** surrender **within four weeks** before the concern trial court with two sureties of Rs. 10000/- of like amount.

9. However, considering the active participation on the part of accused/petitioner Mrityunjay Singh **AND** criminal antecedent showing 5 cases against him making him habitual offender/criminal, **therefore** this court **is not inclined** to grant anticipatory bail to the accused/petitioner **Mrityunjay Singh**, hence his bail prayer is hereby **rejected**.

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10. Ld. Counsel for the accused/petitioner Bhushan Singh states that accused/petitioner Bhushan Singh is willing and would be loving to do some social work or community service for the benefit of the society and shows his desire **to serve in Ugratara Temple, at Mahishi**, which is close to his house. Therefore he is asked to give free service **for 4 hours, 5 day in a week for next 6 months** in the said temple and on completion of six month, he will obtain a certificate from the **main Pujari** of the said temple or **trust**, and shall **submit the** certificate to the court concern.

According the bail petition is disposed of.

Dictated

Sd/-

Avinash Kumar I

Addl. Sessions Judge-IV
Saharsa