

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13765 of 2019

Arising Out of PS. Case No.-849 Year-2018 Thana- SHASTRINAGAR District- Patna

RITESH KUMAR @ BITTU, Son of Indradeo Prasad. Resident of - Jay Ram Bazaar, P.S.- Khagaul, District – Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 14693 of 2019

Arising Out of PS. Case No.-849 Year-2018 Thana- SHASTRINAGAR District- Patna

1. RUPESH KUMAR
2. Rakesh Kumar @ Bablu. Both sons of Indradev Prasad. Resident of Jairam Bazar, P.S.- Khagaul, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 13765 of 2019)

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 14693 of 2019)

For the Petitioner/s : Mr.Uday Prasad

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 13-05-2019 Heard learned counsels for the petitioners and learned APP for the State, assisted by learned counsel for the informant.

Petitioners seek bail in a case registered for the offences punishable under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.



According to F.I.R., murder of *Jitendra Kumar*, an Advocate of this Court was committed near Water Board Office by some unknown person.

In the F.I.R., there is suspicion against the petitioners, who are full brothers that they would be involved in commission of the murder. Suspicion is for the reason that the mother and younger brother of the deceased had sold away 02 *katthas* of the ancestral property in favour of the petitioners and on the remaining 01 *kattha*, there was a house where other family members of the deceased were residing. But taking advantage of the absence of the family members, the petitioners had forcefully taken possession of the same.

Next suspicion is against the wife of the deceased as well as in-laws, for the reason that matrimonial dispute was going on between the deceased and his wife and others.

Learned counsels for the petitioners submit that during whole of the investigation, no eyewitness supported the allegation, rather on the basis of C.C.T.V. footage, four suspects were seen following the deceased on two different motorcycles and were apprehended by the Police and they confessed before the Police their involvement in the murder of *Jitendra Kumar*, Advocate. However, they did not name the petitioners, either as



perpetrator or conspirator, rather they had named the wife of the deceased and others as conspirators.

The case diary further reveals that mobile location of some of the co-accused were examined and it was found that the builder with whom the wife of the deceased had entered into a development agreement on another land of the deceased through her brother, who is the holder of Power of Attorney of the wife was found talking with some of the persons, who were following the deceased at the time of the alleged murder.

Learned counsel for the informant opposed the prayer for bail, on the ground that the petitioners had threatened in the past also to commit the murder of the deceased, for the aforesaid land dispute. He further submits that in the event of grant of bail, they might tamper with the evidence. Moreover, one of the petitioner *Ritesh Kumar @ Bittu* initially stated in the bail petition that he has got no criminal antecedent. However, on objection being raised by the informant, a supplementary affidavit was filed, disclosing one of the criminal case bearing Khagaul Police Station Case No.42 of 2016.

Considering the fact that investigation of the case is already complete and besides suspicion there is no other material against the petitioners, rather some inkling material is



there against the wife of the deceased and others, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Shastri Nagar Police Station Case No.849 of 2018, subject to condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below and the petitioners shall fully co-operate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the petitioners.

The learned trial court is directed to expedite the trial.

(Birendra Kumar, J)

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