

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36527 of 2020**

Arising Out of PS. Case No.-105 Year-2020 Thana- RANIYATALAB District- Patna

RITESH KUMAR, S/o Sri Dev Kant Sharma, Resident of Vill.- Sadawen,
P.S.- Dulhin Bazar, Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Kumar Rajeev, Advocate
For the Opposite Party/s	:	Mr.Dashrath Mehta, A.P.P.
For the Informant	:	Mr. Arvind Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 07-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Dashrath Mehta, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Rani Talab P.S. Case No. 105 of 2020 registered for the offence punishable under Section 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant has alleged that his elder brother used to do exercise for preparation of physical



examination and maintaining good health. It is alleged that on 11.05.2020, Nitish Kumar @ Nitish Sharma and others, variously armed, have tried to kill the informant but they could not succeed. In the meantime upon instigation of Nitish Kumar @ Nitish Sharma the other co-accused has shot his brother by pistol who died on the spot.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case and he is in custody since 17.05.2020. It is further submitted that though the informant is an eye witness but he has not named the petitioner in the F.I.R. The name of the petitioner has been dragged in this case in the confessional statement of the co-accused extracted in Police custody.

Mr. Dashrath Mehta, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is not named in the F.I.R., the informant is an eye witness but he has nowhere mentioned this petitioner present at the place of occurrence, the specific allegation of causing firing upon the brother of the informant are against co-accused Ujjawal Kumar and Pappu Kumar, the name of the petitioner is said to have transpired in the confessional



statement of the co-accused in Police custody, the petitioner has got one criminal antecedent in which he is said to be on bail, he is in custody in connection with the present case since 17.05.2020, investigation against him is complete but the trial is not likely to be taken up in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri P.K. Malviya, 12 learned J.M. 1st Class, Danapur, Patna in connection with Rarni Talab P.S. Case No. 105 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

