

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10238 of 2022**

Arising Out of PS. Case No.-187 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

RITIK KUMAR S/o Rajesh Sah Residence of Mohalla/Village- Rahamganj,  
P.S.- Lahriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kedar Jha, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      06-09-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 386, 302 and 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.

The informant alleges that his son was in love with his neighbour's daughter Tanu Kumari for the last 10 years and on 06.04.2021, his son was called by the family of Tanu Kumari where it was depicted by Tanu Kumari that she will marry with informant's son or else she will commit suicide. It is next alleged that thereafter, a *panchayati* was held where all the six named accused persons, including the petitioner, threatened the informant that they will kill his son within two days and on 08.04.2021 at about 10.00-11.00 A.M., an accused with masked



face came to the house of the informant and shot his son on the abdomen and thereafter, the injured was taken to the hospital where he died during the course of treatment.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case merely based on suspicion. It is next submitted that as per allegations as alleged in the F.I.R., it would manifest that informant himself alleges that his son and sister of this petitioner were in love for the last 10 years for which, even a *panchayati* was held. Learned counsel submits that it absolutely does not stand to reason that the petitioner and his family members in the *panchayati* would have threatened the informant and his family members and thereafter, would have committed the occurrence merely because the son of the informant was in love with the sister of the petitioner and that too, the love was one sided, as such, perhaps the son of the informant might have committed suicide by killing himself. It is also submitted that police after investigation has not found the case to be true under Section 302 of the I.P.C. rather has found the case to be true under Section 306 of the I.P.C. It has been submitted by the learned counsel for the petitioner that even the CCTV footage, which was recovered by the police also does not corroborate the allegations as alleged in the F.I.R. Learned



counsel further submits that similarly situated co-accused Rajesh Sah has been granted anticipatory bail vide order dated 19.07.2022 in Cr. Misc. No. 68273 of 2021.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but is not able to rebut the submissions of the learned counsel for the petitioner that after investigation police had found the case to be true under Section 306 of the Indian Penal Code and the CCTV footage of the occurrence also does not corroborate with the allegations as alleged in the F.I.R.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Laheriyasarai P.S. Case No. 187 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

Rishi/-

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