

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51074 of 2022

Arising Out of PS. Case No.-282 Year-2020 Thana- MAHUA District- Vaishali

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Ritik Kumar S/o Mukesh Rai R/o village- Mansurpur Milki, P.S.- Mahua,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-12-2022 Heard learned counsels for the petitioner, informant
and the State.

Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 302, 307 and other
sections of Indian Penal Code.

As per prosecution case, when informant and his wife
were going to their old house and reached near the house of one
Vinod Rai, all the accused persons including this petitioner and
4-5 unknown persons surrounded the informant and his wife and
thereafter, engaged in assaulting them with lathi-danda, as a
result, informant and his wife sustained injury which resulted in
subsequent death of informant's wife.



Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that prior to this F.I.R., the *fardbeyan* of the informant was recorded by PMCH, Patna on 17.05.2022, informant has not named the petitioner as assailant. Later, in the instant F.I.R. lodged on 19.05.2022, informant has taken name of three more persons including this petitioner. It is next submitted that statement recorded on 19.05.2022 could not be treated as F.I.R. Moreover, the same could be considered as re-statement of the informant. As per statement recorded on 17.05.2022, it was Bindeshwar Rai who gave iron rod blow on the head of informant's wife and Dinesh Rai assaulted on her nose and mouth and Vinod and Harendra tried to strangulate the informant with *gamcha*. Petitioner has got clean antecedent.

Learned counsel for the informant vehemently opposes the prayer for bail application submitting that petitioner is named in the F.I.R. and this petitioner along with other accused persons assaulted the wife of the informant as a result of which she died during course of treatment.

Considering the fact that petitioner is not named in the *fardbeyan* of 17.05.2022, let the above named petitioner in the event of his arrest/surrender before the court below within a



period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-XII, Vaishali at Hajipur in Mahua P. S. Case No. 282 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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