

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53489 of 2022

Arising Out of PS. Case No.-74 Year-2021 Thana- SHASTRINAGAR District- Patna

Ritesh Kumar, S/o Ashok Prasad, R/o Mohalla- Kalibag, Rajendra Nagar
(Hanumat Nagar) Ward No. 4, P.S.- Kalibag (O.P.), District- Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-12-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Om Prakash Upadhyay, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Shashtri Nagar P.S. Case No. 74 of 2021 registered for the offences punishable under Sections 25(1-B), a, 26, 27, 35 of the Arms Act.

The prosecution case, as alleged in the F.I.R, is that during the course of investigation of Shashtri Nagar P.S. Case No. 57 of 2021 registered for the offences under Sections 363, 365/34 of the Indian Penal Code, it came to the light that co-accused Navneet Kumar along with other co-accused persons,



including the petitioner, shot dead one Ram Babu for extorting money and disposed of his dead body. In this regard Harsidhi P.S. Case No. 47 of 2021 for the offences under Sections 302/34 of the Indian Penal Code was lodged and thereafter during the course of investigation from the rented house of co-accused Navneet Kumar pistol and two cartridges were recovered.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that no recovery has been made from the person or possession of the petitioner and further the name of the petitioner has come on the confessional statement of co-accused Navneet Kumar, from whose possession pistol and cartridges were recovered. He further submits that so far Shashtri Nagar P.S. Case No. 57 of 2021, instituted against the petitioner and others, is concerned, the petitioner has already been allowed bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 50699 of 2022 vide order dated 16.12.2022. He next submits that so far the present case is concerned, the petitioner is in custody since 12.02.2021 and moreover after completion of investigation, charge-sheet has been submitted.

On the other hand learned APP for the State opposes the bail application and submits that the petitioner is found



involved in three other criminal cases.

At this juncture, learned counsel for the petitioner submits that in fact all the three cases are arising out of the one occurrence.

Regard being had to the submissions made on behalf of the parties and considering the fact that nothing has been recovered from the person or possession of the petitioner and moreover the alleged recovery of pistol and cartridges has been made from a rented house of co-accused Navneet Kumar and now the investigation of the crime is already complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Patna in connection with Shashtri Nagar P.S. Case No. 74 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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