

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65679 of 2021

Arising Out of PS. Case No.-439 Year-2019 Thana- RAXAUL District- East Champaran

Ritesh Kumar, Son of Bhola Sah, Resident of Village - Khekhariya, P.S.-
Raxaul, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Rashmi Jha, Advocate Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Raxaul P.S. Case No. 439 of 2019, registered for the alleged offences under Sections 302, 201, 120/34 of the Indian Penal Code.

As per the prosecution case, the informant alleged that due to illicit relationship, the co-accused husband of his niece murdered her with the help of the petitioner and other co-accused persons and cremated her dead body. During



investigation, it also came up that this petitioner was having illicit relationship with the deceased.

The learned counsel for the petitioner submits that the petitioner is the maternal cousin of the husband of the deceased and he has got no concern with the affairs of the deceased and her co-accused husband. In the FIR, only general and vague allegations have been levelled without any substance. The co-accused Raj Kumar Sah falsely implicated the petitioner in this case in his confessional statement as he has doubts about his wife having relationship with this petitioner but that is not true. The learned counsel further submits that there is no eye witness to the alleged occurrence and no cogent material has come up against this petitioner during investigation. The petitioner is in custody since 15.08.2021 and is having clean antecedent. The charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is named in the FIR and in paragraph 32 of the case diary, the co-accused confessed about involvement of this petitioner in killing the deceased. Learned APP further submits that the witnesses in paragraphs 46, 47 and 48 of the case diary have stated about the involvement of this petitioner, but he concedes that none of them is the eye witness and none



of them has stated the details how the occurrence took place.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of substantive material to connect the petitioner with the murder of the niece of the informant except for allegation levelled and witnesses stating things not seen by them and further considering the period of custody of the petitioner and his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Raxaul P.S. Case No. 439 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to



be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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