

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69597 of 2021

Arising Out of PS. Case No.-312 Year-2019 Thana- PANCHRUKHI District- Siwan

RITESH SINGH Son of Ramajee Singh @ Ramji Singh Resident of Village -
Sonapipar, P.S. Pachrukhi, District - Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-05-2022 Learned counsel for the petitioner seeks permission to
make necessary correction in para 1 of the bail application in course
of the day.

Permission is accorded.

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Let the defect(s), if any, be removed within a period of
four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 18.07.2021, charge-sheet has been
submitted and is a person with clean antecedent.

The informant alleges that his brother accompanied the
petitioner on 06.12.2019 and when he did not return then a search
was made and during search the informant came to know that his



brother was lying in an unconscious state in Gamharia Bazar. Accordingly, the informant reached the place of occurrence and saw his brother in a semi conscious state near the medical store of one Ghosh. It is further alleged that the victim, who was in a semi conscious state, disclosed that petitioner and Kundah Sah had assaulted him and further his brother died on way to the hospital.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from tenor of the allegation as alleged in the FIR, it would manifest that the informant, for some ulterior reason, had tried to falsely implicate the petitioner. It is further submitted that had the petitioner along with Kundan Sah assaulted the brother of the informant leading to such state as alleged in the FIR then definitely some external injury would have been found. Learned counsel submits that from perusal of Annexure-2 to the bail application, it would manifest that the Doctor has recorded that no external injury was found on the body of the deceased though on dissection 2nd and 3rd ribs was found fractured and the cause of death is recorded as haemorrhagic shock due to ante-mortem injury caused by hard and blunt object. It is further submitted that though it is alleged that the occurrence took place in a market but not a single witness during course of the investigation came forward to support the prosecution case in the case diary.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that there is no



eyewitness to the occurrence but one independent witness Ashutosh Kumar at para 89 of the case diary based on suspicion has stated that may be on account of money dispute the occurrence might have been caused by the petitioner.

Considering the fact that the petitioner is in custody since 18.07.2021, charge-sheet has been submitted and is a person with clean antecedent and taking into consideration the submission made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 302 of 2021 arising out of Pachrukhi P.S. Case No. 312 of 2019.

(Satyavrat Verma, J)

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