

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24151 of 2023**

Arising Out of PS. Case No.-254 Year-2022 Thana- CHIRAIYA District- East Champaran

1. MUNNA SINGH @ MUNNA KUMAR SON OF PAWAN SINGH  
RESIDENT OF VILLAGE- GANGA PIPAR, PS- CHIRAIYA, DISTT-  
EAST CHAMPARAN
2. RITIK KUMAR SON OF LATE DHARMENDRA SINGH RESIDENT OF  
VILLAGE- RUPHARI, PS- SIKARGANJ (CHIRAJAY), DISTT- EAST  
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. RITIK KUMAR LATE DHARMENDRA SINGH RUPHARI

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 28733 of 2023**

Arising Out of PS. Case No.-254 Year-2022 Thana- CHIRAIYA District- East Champaran

1. AMAN KUMAR Son of Pawan Singh Resident of village - Ganga Pipar,  
P.S. - Chiraiya, Distt. - East Champaran
2. Biraj Kumar @ Biraj Singh Son of Late Shailendra Singh Resident of  
village - Rupahari, P.S. - Sikarganj (Chiraiya), Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 24151 of 2023)

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

(In CRIMINAL MISCELLANEOUS No. 28733 of 2023)

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

- 3      07-08-2023      As both these cases arises out of the same offence and  
same P.S. case number, they are being taken up and heard



together and are being disposed of by this common order.

2. Heard learned counsels for the petitioners and learned APPs for the State.

3. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 302, 120B of the IPC and section 27 of the Arms Act.

4. As per the prosecution case, all the accused persons including the petitioners came at the door of the informant's son and indiscriminately fired from their pistol upon the son of the informant and fled away and the son of the informant died on the spot.

5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that petitioner Ritik Kumar is a handicapped person and in this regard a certificate is enclosed at Annexure-2 of the bail petition. It is further submitted that the deceased Sonu Kumar was a veteran criminal and was accused in five cases, which fact has also come in the case diary. The informant



with a view to harass the petitioners and their family members lodged this case with false allegation. Petitioners have no criminal antecedent.

6. Learned APPs for the State opposed the prayer for bail by submitting that there is specific allegation of firing upon the deceased by the petitioners and the postmortem report suggests that there were six entry wounds and nearly ten injuries were found on the body of the deceased.

7. Having regard to the facts and circumstances of the case and considering the nature of offence, I am not inclined to enlarge the petitioner Munna Singh @ Munna Kumar, Aman Kumar and Biraj Kumar @ Biraj Singh on anticipatory bail. The prayer for grant of bail on their behalf is hereby rejected.

8. However, since petitioner no.2 of Cr. Misc. No.24151 of 2023 namely Ritik Kumar is handicapped, let him, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Chiraiya P.S. Case No.254 of 2022, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C.

9. Accordingly, Cr. Misc. No.24151 of 2023 is partly  
allowed and Cr. Misc. No.28733 of 2023 is dismissed.

**(Anjani Kumar Sharan, J)**

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