

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21931 of 2022

Arising Out of PS. Case No.-479 Year-2021 Thana- GAYA MUFASIL District- Gaya

=====

RITESH KUMAR @ BITTU KUMAR Son of Rajesh Paswan, Resident of
Mohalla- Kumhar Toli, Harijan Tola, Manpur, P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Indu Bhushan

For the Opposite Party/s : Mr.Ram Naresh Ray

=====

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 06-02-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State

The petitioner apprehends his arrest in connection with
Muffasil P.S. Case No. 479 of 2021 registered for offence
punishable under sections 302, 120(B)/34 of the Indian Penal
Code and section 27 of the Arms Act.

As per allegation, cousin son-in-law, Himanshu Kumar
came to the house of the informant in drunken state. He quarrelled
with wife, Kajal Kumari and thereafter, he forcibly took away her
to her matrimonial house. Again Himanshu Kumar brought Aniket
Kumar, son of the informant, to his house. Later on, the informant
came to know that her son, Aniket Kumar was killed by fire arm.
Kajal Kumari apprised her that her son was killed by accused



persons, including the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He has stated further that from the *Fardbeyan*, it appears that it was Kajal Kumari, who apprised the informant about the occurrence, but her statement has not been recorded as yet. The reason thereof was called by this Court from the Investigating Officer.

The Senior Superintendent of Police sent his letter no.578 dated 01/02/23 stating therein that the witness, Kajal Kumari is absconding, whereas Himanshu Kumar is under custody. The FIR shows itself that the petitioner is named with specific allegation of killing Aniket Kumar.

The witness is absconding. The case is still under investigation and this juncture, I do not think it a fit case for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/-

U		T	
---	--	---	--

