

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40330 of 2023

Arising Out of PS. Case No.-779 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

RITESH @ RITESH KUMAR Son of Nand Kishore Yadav @ Nand
Choudhary Resident of village - Tirbirwa, P.S. - Gopalganj, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard Mr. Saurav Anand, learned counsel for the

petitioner and learned APP for the State.

The petitioner is an accused in connection with
Gopalganj Town P.S. Case No. 779 of 2022 registered for the
offences under sections 302, 201 and 120(b) of the Indian Penal
Code lodged on 23.09.2022 by the informant, Mojibullah Ali.

The prosecution case, in brief, is based on the basis of
the Fardbayan of the informant namely, Mojibullah Ali, stating
therein that on 22.09.2022 at about 10.00 P.M. in the night his
co-villagers namely (1) Krishna Kumar, (2) Sonu Kumar Yadav
came at his house and had conversation with his brother Javed
Mustafa and went towards north of the house. Upon enquiry,
Krishna Kumar replied that they will return after some time.



However, when his brother did not return then in the next morning, he started search of his brother. Meanwhile, Krishna Kumar and Sonu Kumar were also missing from their house. Later, there was rumour that the dead body of the Javed Mustafa is lying behind the house of Krishna Kumar and when he reached near the dead body of his brother, found his brother's body with multiple knife injuries on his body and he was dead.

Informant further stated that apart from abovementioned both persons, (3) Harendra Yadav, (4) Bandhu Yadav, (5) Govind Yadav (6) Mohan Kumar Mahto and (7) Guddu Yadav, under the conspiracy has killed his brother Javed Mustafa. Accordingly, the FIR.

Learned Counsel for the petitioner submits that main allegation is against Krishna Kumar and Sonu Kumar of having taken away the deceased from his house in the night on the pretext of a walk and subsequently, his dead body was found on the next day with knife injuries. So far as this petitioner is concerned, he was not the two accuseds that has been named in the earlier FIR but during investigation, he raised suspicion against seven more accuseds persons which included this petitioner and that way, he came into judicial custody since 27.01.2023 (as stated in paragraph 15 of the bail application)



although he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that his name has come in course of investigation.

Taking into account the aforesaid submissions put forward by the learned Counsel for the petitioner as also that he do not have criminal antecedent and is in custody since 27.01.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj (Town) P.S. Case No. 779 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Neha/-

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

