

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56154 of 2023

Arising Out of PS. Case No.-439 Year-2022 Thana- KOILWAR District- Bhojpur

1. Rupesh Kumar S/O Nirmal Ray R/O Village- Pachaina, P.O. Koilwar, Dist. Bhojpur At Ara
2. Ritik Kumar @ Ritik Yadav S/O Nirmal Ray R/O Village- Pachaina, P.O. Koilwar, Dist. Bhojpur At Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-11-2023 Heard Mr. Manoj Kumar Singh, learned counsel appearing on behalf of the petitioner no.2 and the learned APP for the State.

2. The petitioner no.2, namely, Ritik Kumar @ Ritik Yadav, is apprehending his arrest in connection with Koilwar (Gidha O.P.) P.S. Case No. 439 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 447, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly all the F.I.R. named accused persons and 10-12 unknown persons variously armed came at the door of the informant and started indiscriminate firing. In the meantime,



when the son of the informant came there, he was surrounded by all of them and brutally assaulted. It is further alleged that the accused persons also fired upon him, but he any how survived. Further allegation has been levelled that accused persons also snatched the valuables.

4. Learned counsel appearing on behalf of the petitioner no.2 submits that from the narrations made in the F.I.R. it is evident that no specific allegation of any overt act has been levelled against the petitioner and so far the allegation of assault is concerned, the same has been attributed to co-accused Umesh Rai and Ritesh @ Hakim Yadav, who are not before this Court. He further submits that even as per the allegation, it appears that the informant has not sustained any grievous injury, moreover, the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the delay in lodging of the F.I.R., coupled with



the fair antecedent, let the petitioner no.2, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Bhojpur at Ara in connection with Koilwar (Gidha O.P.) P.S. Case No. 439 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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