

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2998 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

RITIK KUMAR @ RITIK PANDEY @ RAVI SHANKAR PANDEY Son of
Sanjeet Kumar Pandey Resident of village - Marahiya, P.S.- Chapra Muffasil,
District - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Nagendra Prasad son of Late Raj Mangal prasad Mohalla-Uma Nagar, Ward
No. 05, P.S.-Muffasil, District-Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vishwanath Pandit Sinha, Sr. Adv.
	:	Mr. Sanjay Kumar Singh
For the Respondent No.1:		Mr. Usha Kumari 1
For the Respondent No.2:		Mr. Anjani Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 12-01-2023 Heard Ld. counsel for the appellant and Ld.

Special Public Prosecutor for the State and Ld. Counsel for

the Informant/Respondent No. 2 .

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 30.07.2022,
passed by the Ld. 3Rd Additional Sessions Judge-cum-SC/ST
Special Court, Saran at Chhapara, in connection with Chapra
Muffasil P.S. Case No. 91 of 2022, registered for the
offences punishable under Sections 302, 120 (B), 34 of the
Indian Penal Code and 3(2)(v) of the SC/ST (Prevention of



Atrocities) Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that on 02.02.2022 the son of the informant, Sonu Kumar left his house at about 07:30 but had not returned till nine hours. Thereafter, the informant got information on his mobile that his son is admitted in Sadar Hospital, Chhapara because of gun shot injury in his head. When the informant went to the hospital, he saw his son dead. The informant has further suspected that the petitioner and his associates assaulted and killed his son due to previous enmity.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case only on the basis of suspicion. At-most, as per the allegation the accused person used to extend threat for killing the deceased if he demands money which he has given in regard to a motorcycle. He also submits that investigation is complete and even after investigation there is no direct evidence showing that the petitioner or any of the accused petitioners are involved in the commission of the



alleged offence. Even going by the case-diary only suspicion has been raised. There is no direct evidence collected by the police during the police investigation though charge-sheet has been submitted. He also submits that other co-accused, namely, Aman Kumar Singh @ Aman Singh has already been enlarged on bail by a coordinate Bench of this Court *vide* order dated 01.12.2022 passed in Cr. App. (SJ) No. 2140 of 2022.

He further submits that the appellant has been languishing in jail since 17.05.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State and Ld. Counsel for the Informant/Respondent No. 2 vehemently opposes the prayer of the appellant for bail submitting that there is strong motive and suspicion against the petitioner of commission of the offence.



Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 30.07.2022, passed by Ld. 3Rd Additional Sessions Judge-cum-SC/ST Special Court, Saran at Chhapara, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Ld. 3Rd Additional Sessions Judge-cum-SC/ST Special Court, Saran at Chhapara in connection with Chapra Muffasil P.S. Case No. 91 of 2022 **after framing of charge, if not already framed** on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, the Ld. trial court shall cancel the bail bonds of the appellant.

Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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