

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59993 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- SAHARSA SADAR District- Saharsa

RITESH KUMAR SON OF PRAHLAD YADAV RESIDENT OF VILLAGE
-MAINA WARD NO 1, PS- SONBARSA RAJ, DIST- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashmi Jha

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 307, 326, 120B of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms Act and subsequently, section 302 of the IPC.

3. According to the FIR, two unknown miscreants are alleged to have shot fire upon the son of the informant namely, Sanoj Yadav @Sanjay Kumar due to which he sustained injury and died during course of treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The prosecution case lodged against unknown. His name was transpired in the case on the basis of confessional statement of



other co-accused persons which was made in Saharsa P.S. Case No. 62 of 2023. It is also submitted that co-accused Raghu and Prince Kumar were identified through a CCTV footage, who shot fire upon the deceased. The petitioner was not present at the place of occurrence rather only his connivance was shown during course of investigation. No any consistent or clinching evidence has come against the petitioner in the present case. It is further submitted that the petitioner was not identified by the witnesses mentioned in the FIR. Moreover, the petitioner has been remanded in this case on 17.2.2023 and since then, he is languishing in judicial custody.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner was also confessed his guilt in the alleged offence stated therein that he was also involved in the conspiracy to kill the deceased.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail **after framing of charge, if not framed** in connection with Saharsa Sadar P.S. Case No. 53 of 2023 on



furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa.

(Sunil Kumar Panwar, J)

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