

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32524 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- RIGA District- Sitamarhi

Virendra Kumar S/o Late Ramprit Rai Resident of village Pataniya police station Riga district Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, APP
For the Informant	:	Mr. Ashok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2024 Heard Mr. Vikash Kumar Jha, learned Advocate for the petitioner and the learned APP for the State. The informant appears through Mr. Ashok Kumar Jha, learned advocate.

2. The petitioner seeks grant of regular bail, in connection with Riga P.S. Case No. 02 of 2024 registered for the offence punishable under Sections 302 and 120(B)/34 of the Indian Penal Code.

3. The prosecution case as based upon the fardbeyan alleges that on 04.01.2024, the mother of the informant was sleeping with her grand daughter near his shop. In the meantime, an alarm was raised that his shop was looted and his mother has been killed. On hearing halla, the informant rushed to the place of occurrence and found that his mother has



sustained serious injuries over her head and other part of the body. It is further alleged that when the daughter of the informant regained her consciousness, she disclosed the name of all the FIR named accused persons including the petitioner that they have assaulted the mother of the informant leading to her death.

4. Learned Advocate for the petitioner contended that admittedly the informant is not an eye-witness to the alleged occurrence. Both the parties are agnates and in fact a month before this occurrence, the wife of the petitioner had instituted an FIR against the informant and his family members, a copy of which is marked as Annexure-P/3. It is further contended that though the daughter of the informant Himanshu Kumari disclosed the fact that all the accused persons have assaulted but no specific allegation has been leveled against the petitioner. The FIR has been instituted in the premise of a long standing enmity between the parties and as such false implication of the petitioner cannot be ruled out. Moreover, the petitioner is in custody since 05.01.2024; the investigation of the crime is complete and charge-sheet has been submitted; all the more the petitioner bears fair antecedent.

5. On the other hand, learned APP for the State as well



as learned advocate for the informant vehemently opposes the bail application and submits that the daughter of the informant is an eye-witness to the occurrence who has specifically alleged that this petitioner has taken active participation in causing death of his mother.

6. Regard being had to the submissions made on behalf of the parties and considering the narrations made in the FIR which suggest that it was a case of loot and moreover, the alleged eye-witness has not disclosed any specific allegation against the petitioner coupled with the enmity between the parties and factum of lodging of previous FIR at the ends of the wife of the petitioner, let the petitioner, named above, 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 Additional Chief Judicial Magistrate-I, Sitamarhi in connection with Riga P.S. Case No. 02 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

durgesh/-

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

