

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61308 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- GAYA MUFASIL District- Gaya

Ritesh Kumar Son of Vinod Kumar @ Vinod Chaurasiya R/O Vill.- Bahora
Bigha, P.S.- Muffasil, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-08-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 337, 307, 504 and 506/34 of the Indian Penal
Code as well as Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases. It is further submitted
that from the side of the petitioner Md. Umair had instituted
Gaya Mufassil P.S. Case No. 43 of 2024 against the informant
and his side. It is next submitted that this infuriated the
informant to falsely implicate the petitioner in the present case
when allegation of firing is against Vishnu Pandey. It is also
submitted that no doubt the informant received gun shot injury



and firing was also resorted to and seven cartridges were recovered from the place of occurrence but then petitioner is not alleged to have fired or caused firearm injury.

4. Learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner and submits that no doubt petitioner is not alleged to have fired causing firearm injury to the informant but then during the course of investigation it has transpired that petitioner was also present at the place of occurrence along with other accused persons. It is further submitted that if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where



the case is pending/successor court in connection with Mufassil P.S. Case No. 51 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself as and when required by the investigating officer, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

8. It is further made clear that if charge-sheet is submitted against the petitioner connecting him with the offence in that event the present anticipatory bail order shall lose its effect and the learned trial court shall take all coercive steps to ensure that petitioner is behind bar.

(Satyavrat Verma, J)

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