

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77537 of 2024

Arising Out of PS. Case No.-489 Year-2024 Thana- SITAMARHI District- Sitamarhi

Ritwik Prajapati @ Chotu S/o- Late Gopal Pandit Resident Of Rajopatti
Kargil Chowk, Custam Gali, Ward No 22, Ghurghara Complex, Ps-Mehsaal
Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Sitamarhi (Mehsaal) P.S. Case No. 489 of 2024 for the offence punishable under sections 126, 115(2), 352, 324(4) and 351(2) of the B.N.S. and Sections 25(1-b)a, 26 and 35 of the Arms Act lodged on 02.08.2024 by the informant, Neetu Gupta.

3. As per the prosecution story, the informant who is unfortunate mother of the petitioner alleged that her son entered the house with firearms while she was sleeping. Firstly, he abused her and later, when he failed to open the gate, broke the window glass. Simultaneously, he also broke the glass of the Brezza Maruti car by bricks/stones as also pelted stones which broke the doors and window glasses. He also put revolver on her



head. Only because of the timely arrival of the Police, as she dialed 112 that he was arrested with firearms. This led to the FIR.

4. Learned counsel for the petitioner concedes that it is an unfortunate incident where a mother has to lodge an FIR. He however submits that, the petitioner is young, is helping his brother in the business, has already suffered by being in custody since 03.08.2024 (paragraph-6 of the petition) and if granted relief, he shall be diligently appearing in trial. Further, he shall desist from doing such activity again.

5. Learned APP on the other hand opposes the prayer submitting that not only he broke the glass of the car, he also broke the window panes of the doors/windows and threatened his mother by putting revolver on her head.

6. Having gone through the facts of the case as also the submissions put forwarded by the parties, it is really unfortunate that a widow mother who brought this child (petitioner herein) in the world and who has seen the light of the day only due to her was threatened by putting revolver on her head, as has been alleged. Equally disturbing is the fact that the glass panes of house were broken which led to damage of the petitioner's own property.



7. Considering all these facts, at first instance, this Court was not inclined to extend him the privilege of bail as allegation has been made by his his own mother, however, taking into account the facts that he is young person, be given a chance to mend his ways and has already remained in custody since 03.08.2024, the same is being extended. However, he is cautioned to behave properly and in default, the mother will be free to take steps for the cancellation of his bail bonds.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi (Mehsaul) P.S. Case No. 489 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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