

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36278 of 2025

Arising Out of PS. Case No.-285 Year-2024 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Ritik Kumar Yadav S/o Vijay Ray Resident Of Village- Rahepur, P.S.-
Mohiuddin Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Shashank Shekhar, Advocate
For the Opposite Party/s :	Mr. Dilip Kumar No. 1, APP
For the Informant :	Mr. Pramod Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

9 15-11-2025 1-By means of this bail application, petitioner, who is involved in connection with Mohiuddin Nagar P.S. case no. 285 of 2024, district Samastipur registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 127(2), 115(2), 118(1), 118(2), 109, 103(1), 61(2), 352, 351(2)(3) of B.N.S and Section 27 of the Arms Act, seeks enlargement on bail during the pendency of trial.

2-Heard learned counsel for the petitioner and Mr. Dilip Kumar-1, learned Additional Public Prosecutor representing the State.

3-Brief facts of the case, which are required to be stated are that the informant Ajay Kumar Singh who is father of the deceased Gaurav Kumar and injured Saurabh Kumar, got a first



information report lodged on 15.12.2024 alleging inter alia that on 14.12.2024, there was a chhati ceremony of his grandson at his house. After completion of the ceremony, his son Saurabh Kumar was returning to his house after dropping his friend Rajeev Kumar at 11 p.m. At that time accused persons were carrying illegal weapons and consuming liquor. As soon as his son Saurabh Kumar reached at that place, all of them surrounded and assaulted him with butt of pistol and iron rod, as a result of which he sustained greivous injury. When the informant along with his son Gaurav Kumar reached there and made protest, accused Km. seema, Jayavati Devi came running there with sticks in their hand and on their exhortation, Navneet Kumar @ Bambam shot Gaurav Kumar with pistol on the left side of his chest, due to which Gaurav Kumar fell on the ground. Then they beaten Gaurav Kumar in the fallen position with iron rod. The informant took his sons to the government hospital for the treatment where doctors after giving initial treatment referred both injured Gaurav Kumar and Saurabh Kumar to P.M.C.H, Patna for better treatment. On reaching there doctor declared Gaurav Kumar dead and treatment of Saurabh Kumar was undergoing.

4-It is argued by learned counsel for the petitioner that



petitioner has been falsely implicated in this case. As per the prosecution case, role of firing shot at Gaurav Kumar has been attributed to co-accused Navneet Kumar @ Bambam Kumar and general role of assault has been attributed to all the remaining co-accused persons. It is also pointed out that apart from Gaurav Kumar, his brother Saurabh Kumar also received injuries but his injury is not available in case diary. It is further submitted that vide order dated 31.08.2025, learned State counsel was directed to take steps for procuring the injury report of injured Saurabh Kumar from PMCH or any other hospital where he was treated by doctor but said order has not been complied with by the State. Though the charge sheet has been submitted but charges has not yet been framed. The petitioner, has criminal history of nine cases, which have been explained in paragraph-3 of the bail application. Lastly, it is submitted that petitioner is languishing in jail since 17.02.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5-Per contra, learned Additional Public Prosecutor for the State and counsel for the informant opposed the prayer for bail of the applicant reiterating the prosecution case as mentioned in F.I.R. but they do not dispute the factual aspect of the matter as



argued on behalf of the petitioner.

6-Having heard the submissions of learned counsel for the parties and perused the record, I find that the petitioner Ritik Kumar Yadav has not been assigned to cause fire arm injury to deceased Gaurav Kumar. As per the post mortem report, deceased Gaurav Kumar has received one entry wound which was caused by fire arm and role of causing said injury has been attributed to co-accused Navneet Kumar @ Bambam Kumar. Hence the case of present petitioner Ritik Kumar Yadav is distinguishable from the case of main accused Navneet Kumar @ Bambam Kumar. Investigation has been completed and charge-sheet has been submitted against the applicant. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7-In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner,



submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who is in incarceration since 17.02.2025 has made out a prima facie case for bail.

8-Accordingly, the bail application of the petitioner stands allowed.

9-Let the above named petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court below with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10-In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11-It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will



in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12-The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

Raj Ranjan/-

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