

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83436 of 2024

Arising Out of PS. Case No.-199 Year-2024 Thana- SAMASTIPUR District- Samastipur

Ritesh Kumar @ Gullu Son of Ramdeo Sah Resident of Village - Neem Gali
under Town, P.S. - Samastipur Town, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Advocate Mr. Ajay Kumar Thakur, Sr. Advocate
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 18-03-2025 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 103(1), 61(2), 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. The case of the prosecution is that the petitioner along with other accused persons came to the junk shop of the informant's brother and thereafter all the accused started talking to each other, Sunny Kumar kept his motorcycle in started condition and co-accused Rakesh Kumar @ Mahakal went inside the house and started giving call to informant as Mamu -Mamu. Thereafter, brother of the informant came from his roof and started talking with him. After talking, co-accused Rakesh



Kumar desires a glass of water for drinking. On this brother of the informant passed a glass of water towards him, in the meantime, accused Rakesh Kumar put out pistol from his waist and shot on the chest of the informant's brother and ran away on a motorcycle towards Magardahi Ghat bridge and this petitioner and other accused persons fled away towards Ganesh Chowk saying "mission achieved". In the last part of the FIR, it is stated that petitioner is the main conspirator.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. She has falsely been implicated in this case. During course of investigation police has collected CCTV footage which is at para-17 of the diary which goes to show that in CCTV footage only two persons were identified one is Rakesh Kumar @ Mahakal and second is Sunny Kumar. The witnesses who have given their statement before police in diary they have also stated the involvement of Rakesh Kumar and Sunny Kumar. From perusal of the FIR, it is clear that the allegation of firing is against Rakesh Kumar. There is no overt act alleged against this petitioner. He was only there and he fled away after the occurrence. From postmortem also, it transpires that there was only one ante-mortem injury on the person of the deceased.



Moreover, the petitioner is languishing in judicial custody since 22.09.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Samastipur (Town) P.S. Case No. 199 of 2024 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, Samastipur.

(Ashok Kumar Pandey, J)

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