

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3255 of 2026

Arising Out of PS. Case No.-93 Year-2023 Thana- KESARIA District- East Champaran

Hitesh Ram @ Ritesh Ram Son of Tuntun Ram Resident of Village- Derwan
Mathiya, P.S.- Kesariya, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-01-2026 Learned counsel for the petitioner is permitted to
make correction in paragraph-1 of the bail petition.

2. Heard Mr. Shashank Shekhar, learned counsel for
the petitioner and Mr. Kanhiya Kishor, learned APP for the
State.

3. Petitioner seeks bail, who is in custody since
15.10.2025, in connection with Kesariya P.S. Case No. 93 of
2023, F.I.R. dated 24.02.2023 registered for the offences
punishable under Sections 323, 341, 302 and 34 of the Indian
Penal Code.

4. Allegation against the petitioner is that he along
with other co-accused persons entered into the house of the
complainant and committed murder of complainant's daughter.
The son of the complainant informed her about the incident



whereupon she came back to her house and the accused persons also assaulted her.

5. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. The petitioner is the co-sharer of the complainant/informant and petitioner is also next door neighbour of the complainant. It appears from the complaint petition/F.I.R. that the date of occurrence is 11.10.2019 but the complaint petition has been filed on 18.10.2019 but the present F.I.R. was instituted on 24.02.2023 and apart from aforesaid, the postmortem was conducted on 12.10.2019 after that the complainant/informant has filed complaint petition which has controverted in the present F.I.R. and from perusal of the F.I.R. it appears that there is no specific allegation against the petitioner in the F.I.R. and similarly situated co-accused persons namely Mina Devi and others against them similar allegation have been granted the privilege of anticipatory bail vide order dated 20.12.2023 passed in Cr. Misc. No. 53109 of 2023 by a Coordinate Bench of this Court. He further submits that the police after investigation



submitted chargesheet against the petitioner and the petitioner is in custody since 15.10.2025.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the complaint has been instituted after the postmortem report and similarly situated co-accused persons have been granted the privilege of anticipatory bail, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, East Champaran at Motihari in connection with Kesariya P.S. Case No. 93 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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