

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-XXI,
PATNA.**

Bail Petition

**In Sessions Trial No. 329/2023
Ritu Raj V/s State of Bihar
(Jakkampur P.S. Case No.651/2022)**

ORDER

15.04.23

Regular bail petition moved today on behalf of accused namely **Ritu Raj** by his learned counsel, whose case is pending for trial before this court. Ld. A.P.P. for the State has also appeared. Case diary is available on the record.

The petitioner's case has been committed for trial before this court after cognizance U/S 302/120(B) of I.P.C and 27 of Arms Act.

The learned counsel for the petitioner has submitted that the petitioner is quite innocent and has committed no offence and has been falsely implicated in this case and he has no criminal antecedent. Further submitted that it is a case of culpable homicide not amounting to murder and falls within the category of 304 (ii) of the Cr.P.C. Further submitted that petitioner is a Senior Sales Executive of Britannia Biscuit Company, Bihar and admittedly altercation took place between the staff of Britannia Biscuit Company and shopkeeper Vinay Kumar, Proprietor N.K. Enterprises with regard to business transaction. Further submitted that during course of investigation none of the witnesses have said that petitioner has fired and invariably all the witnesses, claiming to be an eye witness have said that it was co-accused Keshav Raj @ Kunal, who has fired from his pistol causing injury to another shopkeeper Rahul Kumar, who died during course of treatment. Further submitted that there was neither any motive nor intention to cause injury to Rahul Kumar and the alleged occurrence is un-

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intentional without any motive. Lastly it has been submitted that the petitioner herein is ready to furnish the bail bonds to the satisfaction of this court. Hence prayed to enlarge the petitioner on bail.

On the other hand the learned Addl.P.P. for the State and the informant has vehemently opposed the prayer for bail of the petitioner.

Heard the parties and perused the case record.

The prosecution case, in short, as per F.I.R is that on 18.11.2022 at about 1.30 hours three F.I.R. named accused i.e. proprietor and staff of Britannia Biscuit Company alongwith four-five unknown persons came to the shop of the informant's brother Rahul Kumar and on account of a business related dispute pertaining to sale/purchase of Britannia biscuit, a quarrel took place between them and in the meantime one Banti Kumar fired on the brother of the informant, thereafter petitioner Ritu Raj also fired causing injury to the informant's brother. The injured was taken to hospital where the doctor declared the injured dead.

From the perusal of record it reveals that the though the petitioner is said to have fired at the deceased as per F.I.R but as per the statement of some witnesses the petitioner is alleged to have asked co-accused Keshav Raj @ Kunal to fire upon the deceased and again some witnesses have stated in their statement to the police that it was the petitioner who had called the co-accused Keshav Raj @ Kunal at the place of occurrence who had fired upon

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15.04.2023 the deceased. It is pertinent to mention herein that none of the witnesses at this stage has denied the presence of the petitioner at the place of occurrence at the time of occurrence. Moreover as per the record the petitioner has been arrested from the place of occurrence. The allegations against the petitioner are extremely grave in nature and the charge has not been yet framed in this case and thus enlarging the petitioner on bail in the facts and circumstances of the case will be against the interest of justice. In these circumstances this court is not inclined to enlarge the petitioner on bail.

Thus, considering the facts and circumstances of the case, submissions and discussion made above, and the nature of allegations and the role attributed to the petitioner in the assault, the bail petition of the petitioner is hereby rejected.

(Dictated)

A.S.J. XXI, Patna.

Memo No. dated.....

Copy forwarded to the Court of Ld. A.C.J.M-XIV, Patna for
information and needful.

A.S.J. XXI, Patna.