

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38073 of 2015

Arising out of PS.Case No. -53 Year- 2015 Thana -BIHARIGANJ District- MADHEPURA

BITTU KUMAR SINGH, S/o Late Ashok Singh, resident of village- Khara,
P.S.- Uda-Kishunganj, District- Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Arbind Kumar Singh, Advocate.

For the Opposite Party : Mr. Nirmal Kumar Sinha (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-11-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 26.05.2015
in connection with Bihariganj P.S. Case No. 53 of 2015 for the
offences instituted under Sections 392, 394 IPC and 27 of the
Arms Act.

The prosecution story, in brief, is that on 19.03.2015
while the informant alongwith his *Bhagina* was going to *Chousa*
from his *Sasural*, *Chand Bhangha* by the motorcycle new *Bajaj*
Pulsar of red colour 150 CC DHZCF2 11.646 without number of
his brother-in-law (*Shala*) and at about 08.30 P.M. in the night
when the informant reached near *Kathotiya Bridge* then three
motorcycles riding on a motor cycle overtook the motorcycle of



the informant and dashed his motorcycle due to which the informant and his *Bhagina* fell down and the criminal started assaulting them and pointed pistol towards the informant but when the informant snatched the pistol then one criminal fired shot at the informant which fortunately did not hit him and due to fear the informant returned the pistol of the criminal and thereafter the criminals snatched ATM Card of UCO Bank and Samsung Mobile Set bearing *Airtel* Sim No. 9934999309 and *Voda* SIM No. 9534603316 from the informant and further they snatched mobile bearing *Airtel* Sim No. 8084523121 and *Voda* Sim No. 8877638374 from the *Bhagina* of the informant and they further snatched photo copy of driving license and Voter I Card and new *Pulsar* Motorcycle of the informant and fled away towards Murliganj.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 26.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. The petitioner is not named in the FIR. His name has come in course of investigation. The petitioner has not been put on TIP. One of the accused is alleged to have used the SIM Card of the petitioner that is only material against the

petitioner.

On behalf of the State it has been submitted that the name of the petitioner has come in course of investigation on the confessional statement of co-accused.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Udakishunganj, Madhepura, in connection with Bihariganj P.S. Case No. 53/2015.

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(Sudhir Singh, J)