

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11486 of 2016

Arising Out of PS.Case No. -287 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

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Bittu, son of Dinesh Prasad Singh, resident of Village - Jamalpur, P.S. -
Athmalgola, District - Patna. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kr. Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 23-05-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner is languishing in custody since 26.09.2015 in
connection with Bakhtiyarpur P.S. Case No. 287 of 2015 for the
offences alleged under Sections 302 and 120B/34 of the Indian
Penal Code and Section 27 of the Arms Act.

According to the informant Raushan Devi on
24.09.2015 at 09.15 P.M. before the Station House Officer,
Bakhtiyarpur Police Station has stated, inter alia, that on
16.09.2015 her husband, namely, Raj Kumar Singh after opening a
new gym namely Champion Gym was giving physical training to
the children. On 24.09.2015 at around 4.00 P.M. he went to open
the gym. In between 7.00 to 7.30 P.M., she received a telephonic
information that her husband has been shot at in the Gym.
Champion Gym runs at the second floor of Rana Market situated



in Station Road, Bakhtiyarpur. Earlier, her husband used to run a gym with Bittu on partnership basis. It is further alleged that on 15.09.2015 when her husband after opening the Gym was putting the articles, in the meantime Bittu Singh gave threatening on phone saying his money and article of gym be returned otherwise he would be killed. On 16.09.2015, he narrated the story to the informant when he returned home. In the meantime at about 8.00 A.M. Bittu and his mother came to her house. The informant stated that the money and articles will be returned to them and they will give the articles of Gym of Harnaut and asked why they have threatened to kill her husband. It is further alleged that few days before Bittu came to the gym of her husband and said that from his articles he is earning a lot. Her husband told that his money will be returned. Then Bittu stated that he needs only the gym and not the money. It is further alleged that her husband had been alerted by Manoj from his mobile no. 9852244124. Bittu along with unknown persons after pumping 3-4 bullets has killed her husband in the gym on the same day.

That on the basis of the aforesaid fardbeyan, Bakhtiyarpur Police drew up a formal First Information Report and registered a case being Bakhtiyarpur P.S. Case No. 287 of 2015 dated 24.09.2015 for the alleged offence under Sections 302

and 120B/34 of the Indian Penal Code and 27 of the Arms Act.

It has been submitted by learned counsel for the petitioner that he has a clean antecedent and it was only on the basis of the earlier partnership with the deceased that the petitioner has been falsely implicated. He further submits that at the time of occurrence none of the witnesses has deposed against the petitioner and it was only some days after that the petitioner has been named by the other witnesses. He submits that because of earlier alleged rivalry, the petitioner has been alleged to have committed the offences.

However, learned counsel for the informant and the learned A.P.P. submit that one of the independent witnesses at paragraph 60 and 61 of the case diary, was doing exercise in the gym of the deceased and stated that he has seen the petitioner along with others committing the alleged offence. Since the petitioner is named in the First Information Report and independent witnesses have supported the prosecution case, I am not inclined to grant the privilege of bail to the petitioner.

Accordingly, the prayer for bail is, hereby, rejected.

(Nilu Agrawal, J)

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