

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1745 of 2017

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

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Bittu @ Bittu Kumar @ Alok Kumar, S/o Dinesh Prasad Singh, R/o Village
- Jamalpur, P.S. - Athmalgola, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 02-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
26.09.2015 in connection with Sessions Trial No. 84 of 2016
arising out of Bakhtiyarpur P.S. Case No. 287 of 2015 pending in
the Court of learned 6th Additional Sessions Judge, Barh, Patna
registered for the offence punishable under Sections 302 and
120(B)/34 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case, as lodged by the informant, is
that on 16.09.2015 husband of the informant after opening a new
gym was giving physical training to the children. On 24.09.2015,



informant received a telephonic information that her husband has been shot at in the Gym. It is alleged that few days before Bittu (petitioner) had come to the Gym and told the husband of the informant to return his money upon which her husband said that he will return the money soon. 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. It is further alleged that Bittu along with unknown persons after pumping 3-4 bullets has killed her husband in the gym on the same day.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears a clean antecedent and because of the earlier partnership between the deceased and the petitioner that he has been falsely implicated. He further submits that no one has seen the alleged occurrence and it is only after few days that some of the witnesses have named the petitioner.

However, learned A.P.P. for the State submits that some of the persons, who were present at the place of occurrence, have seen the alleged occurrence, hence, opposes the prayer for bail.

Petitioner had earlier moved for bail, which was



rejected by order dated 23.05.2016 passed in Cr. Misc. No. 11486 of 2016.

On the last occasion, a report was called for from the Court of the learned Additional District and Sessions Judge-II, Barh, who has sent the report vide letter No. 171 dated 13.07.2017 that altogether 10 witnesses have been examined out of 12 witnesses.

This application is, accordingly, rejected with direction to the trial court to conclude the trial expeditiously. The petitioner may renew his prayer for bail after three months.

(Nilu Agrawal, J.)

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