

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12152 of 2017

Arising Out of PS.Case No. -54 Year- 2016 Thana -HASANGANJ District- KATIHAR

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1. Sujit Kumar Singh Son of Binay Singh, Resident of Village Garbaina,
P.S. Azam Nagar, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 25-04-2017 Heard both sides.

The petitioner seeks bail in Hasanganj P.S. case No.
54 of 2016 under Section 302, 201/34 of the Indian Penal Code.

The informant disclosed in his fard bayan that his
brother, Chitranjan Kumar @ Chitu, left his house on his motor
cycle bearing registration No. BR 39M 6242 to see day night
volleyball match in village Singhoul. After 6.30 his brother left for
Katihar. His brother was having Rs. 30,000/- cash, three ATM
cards, documents with regard to lifting of oil and mobile with SIM
No. 9955437301 but after 7 P.M. mobile of his brother was found
switched off. On 26.12.2016 the informant got information that
dead body of an unknown person was lying in village Barki Ratni.
The informant along with villagers came to Sadar Hospital,



Katihar where he identified dead body of his brother. The informant further disclosed that his brother developed relation with Punam Kumari, daughter of Yogendra Paswan of village Singhoul, P.S. Pranpur, Katihar. Ramesh Paswan, brother-in-law of Punam Kumari, and Sonu Paswan, brother of Punam Kumari, were running after the life of his brother, Chitranjan Kumar @ Chitu, and they might have killed his brother.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. During the course of investigation, the name of the petitioner surfaced on the basis of call details. Petitioner owns SIM No. 7739904156 and the last call was made from the mobile of the petitioner to the mobile of deceased bearing SIM No. 9955437301. From the house of petitioner two ATM cards and blank cheques duly signed by the deceased were recovered. The petitioner is said to have withdrew Rs. 800 from the account of the deceased through ATM card of deceased on 26.12.2016. It is submitted that petitioner was good friend of the deceased and, therefore, for recovery of ATM cards and blank cheques from the possession of the petitioner no adverse inference can be drawn. The deceased got several calls from SIM No. 9507375057 but the police did not find out actual person, who was in possession of that mobile. From paragraph 72 of the case



diary, it transpired that the aforesaid SIM was purchased by the deceased himself but admittedly the SIM was not with the deceased as before and on the date of occurrence from the aforesaid SIM No. 9507375057 many calls were made to mobile No. 9955437301. The petitioner is in jail. Hence, he may be enlarged on bail.

The learned Additional Public Prosecutor as well as the learned counsel for the informant, on the other hand, opposed the prayer for bail and submitted that petitioner being a close friend of the deceased committed breach of trust and persuaded him to go to village Singhoul. The petitioner in collusion with Ramesh Paswan and Sonu Paswan, brother-in-law and brother of Punam Kumari, killed the deceased and threw his dead body at a lonely place. Recovery of ATM cards and blank cheques from the possession of the petitioner indicate that petitioner took out blank cheques and ATM cards from his possession, after killing the deceased.

It appears that the deceased was having three ATM cards besides many other documents before his death and two ATM cards and blank cheques, duly signed by the deceased, were recovered from the house of petitioner, after ten days of the occurrence. It has also come that petitioner withdrew Rs. 800/- on



26.12.2016 from the account of the deceased, using one of the ATM cards of the deceased, although the deceased was killed on 25.12.2016.

Considering the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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