

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4528 of 2020

Arising Out of PS. Case No.-85 Year-2018 Thana- HAZIPUR INDUSTRIAL District-
Vaishali

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ANNU SINGH @ RAHUL SINGH Son of Pramod Singh Resident of Village
- Sidhighat, P.S.- Hajipur Town, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s :	Mr.Umesh Chandra Verma
	Mr. Abhishek Kumar
	Mrs. Rashmi Jha
	Mr. Sharad Kumar Verma
For the Opposite Party/s :	Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 12-10-2020 Heard Mrs. Rashmi Jha, learned counsel appearing on

behalf of the petitioner and Mr. Md. Fahimuddin, learned

Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of

Hajipur Industrial Area P.S. Case No. 85 of 2018, registered for

the offence punishable under Sections 302, 120B of the Indian

Penal Code and Section 27 of the Arms Act.

The victim was shot dead by unidentified three

miscreants. The victim was running a marble shop in the name

of ‘Lucky Marbles’. After commission of the crime, the

miscreants had fled away, who had covered their faces to

conceal their identities during commission of crime. The

occurrence was recorded by CCTV camera installed near the



gate of the shop, where the occurrence had taken place. One Shrawan Sharma was working in the shop as a mechanic. On examining the CCTV footage, the police noticed movement of said Shrawan Sharma to be suspicious. He was interrogated by the police. During the course of interrogation, he admitted his role of giving the miscreants signal to kill the deceased on consideration of money. It appears that there was some rivalry between the deceased and the persons involved in commission of offence, particularly the petitioner. On the basis of confessional statement of Shrawan Sharma, one Ram Sagar was arrested and interrogated by the police, who, while confessing before the police his involvement, gave in detail the reason behind the occurrence and the manner in which the crime was committed. He also disclosed that the entire operation was initiated at the instance of this petitioner, who was then incarcerated in a jail in Rajasthan. He is said to have been using his mobile phone from the jail and had planned every step of commission of the offence. Confessional statement of co-accused Shrawan Sharma and co-accused Ram Sagar have been found to have been corroborated by the call detail record/CDR, collected by the police.

It is evident from the statement made in paragraph 3



of the application that the petitioner has criminal antecedent. According to him, he is involved in three more cases over and above the present case. However, on perusal of report sought for from the Superintendent of Police regarding petitioner's antecedent, it appears that he is involved in one more case, i.e., Hajipur (Town) P.S. Case No. 209 of 2019, which fact the petitioner has concealed.

On perusal of the case diary, I am of the view that there are corroborating materials collected by the police to support the case of the prosecution and the confessional statement of other co-accused persons recorded by the police under Section 161 of the Cr.P.C.

In such circumstance, I am not inclined to grant the petitioner privilege of regular bail.

This application is accordingly rejected.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the



course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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