

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12122 of 2020

Arising Out of PS. Case No.-330 Year-2019 Thana- MASHRAK District- Saran

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Bittu Kumar Singh @ Bittu Singh, S/o Raj Kumar Singh Resident of Village-
Harakhpura, P.S.- Tariaya, Distt- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan

For the Opposite Party/s : Mr.Md. Aslam Ansari

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 31-08-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Mashrak P.S. Case No. 330 of 2019, registered under Sections
363 and 364 of the Indian Penal Code.

The accusation is that Vicky Kumar, son of
informant Gita Devi, in the morning of 24.07.2019, carried
motorcycle of Kundan Kumar Singh. On the same day, in the
evening, informant Gita Devi along with her husband
Rajeshwar Prasad and other family members were talking at
her door. In the meantime, Hariom Kumar Rastogi, Umesh
Kumar Das, Sanoj Kumar Singh, Manoj Kumar Singh, Rajesh
Kumar Mahto, Ujjawal Kumar Singh and Bittu Kumar Singh
(Petitioner) came there boarding on three motorcycles and



asked to her son Viccky Kumar for going to some place for 2-3 hours. Thereafter, her son Viccky Kumar proceeded with them, but he did not return till night of 24.07.2019. In the morning of 25.07.2019, informant asked to her husband Rajeshwar Prasad and her another son Abhay Kumar to take whereabouts of her son Viccky Kumar, on which Abhay Kumar talked through his mobile from Viccky Kumar, who informed that he is present with the said persons and he will return house in the night, but, in spite of passing of night of 24/25-07-2019, he did not return. On 26.07.2019, again, attempt was made to talk to her son Viccky Kumar, but his mobile phone was found switched off. Thereafter, her son Abhay Kumar contacted with the said persons, physically, as well as on mobile, but they did not give any satisfactory reply and they were in unrest condition. The informant raised suspicion about kidnapping of her son Viccky Kumar and committing his murder by them.

Learned counsel appearing for the petitioner submits that, in fact, petitioner has been implicated falsely in this case mere on suspicion. Further submission is that on investigation, the Police has submitted Chargesheet under Section 363 and 364 of the Indian Penal Code and the petitioner is in custody since 22.10.2019. Further submission is that in course of investigation, the Police recorded



confessional statement of co-accused Ujjawal Kumar Singh, which is detailed in paragraph 66 of the case diary, in which he stated that after death of his father in the year 2012, he came in touch of his villager Bittu Kumar Singh (Petitioner), who used to do business of liquor. Thereafter, he started to take liquor in association of Viccky (Victim) and Hariom Rastogi, who are associates of Rahul Singh Kushwaha and Bittu Kumar Singh (Petitioner). He along with Viccky (Victim) and Hariom Rastogi were sent in jail in case of the theft of motorcycle by Taraiya Police. The some money of Viccky (Victim) in relation to liquor business was due against Hariom Rastogi, Bittu Kumar Singh (petitioner) and Rahul Singh Kuswaha and he made demand of money and all were also in association of a girl, namely, Sapna Singh, who is dancer in an Aurkestra party. After making demand of money by Viccky (Victim), all prepared plan to eliminate him. Thereafter, Viccky was taken at lonely place, where all took Ganja and liquor in which he became unconscious and when he regained his consciousness then he did not find Bittu Kumar Singh (petitioner), Rahul Singh, Hariom Rastogi and Viccky Kumar (Victim) there and, thereafter, he returned to his house. Later on, he came to know that Viccky (Victim) is traceless. Further submission is that while petitioner is accused in five cases, as detailed in paragraph 3, but he was on bail in



Taraiya P.S. Case No. 185 of 2017 and the prosecution case also terminated on 02.07.2018 due to juvenility of the petitioner. The petitioner is also on bail in connection with Masrakh P.S. Case No. 137 of 2018 and Taaraiya P.S. Case No. 274 of 2018, which are registered under Excise Act and during the pendency of the present case, the petitioner is also enlarged on bail in connection with Taraiya P.S. Case No. 267 of 2018 and Taraiya P.S. Case No. 61 of 2019.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Saran at Chapra in connection with Mashrak P.S. Case No. 330 of 2019. Out of two sureties, one surety must be parents/close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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