

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.10748 of 2020**

Arising Out of PS. Case No.-420 Year-2019 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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BITTU KUMAR @ BITTU KUMAR YADAV Son of Mahesh Roy Resident  
of Village- Mohanpur, P.S.- Samastipur Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Abhay Shankar Singh  
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH  
ORAL ORDER**

5      18-09-2020                      The present petition has been taken up for  
  
consideration through the mode of Video Conferencing in view  
  
of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and  
  
Sri Dr. Ajeet Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection  
  
with Samastipur Mufassil PS case no. 420 of 2019 instituted for  
  
the offences punishable under Section 307 and allied sections of  
  
Indian Penal Code.

The case of the prosecution in brief is that on  
  
22.08.2019 at about 7 am in the morning, the informant had left  
  
his house along with his co-villager on a Wagon-R car for  
  
dropping his nephew namely Rajesh Kumar at school and when



they had reached the school, they had dropped the nephew of the informant inside the school. It is further alleged that when the informant and his co-villager were coming out of the school, suddenly two motorcycles had arrived there and the petitioner herein and one another accused person namely Md. Chand as also other co-accused persons had surrounded the informant and his co-villager, whereafter they had taken out the pistol in their hand and had fired gun shots indiscriminately, whereupon the informant and his co-villager started fleeing away but the co-villager of the informant was hit by gun shots, however the informant is stated to have hid himself behind the wall and was able to save himself.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and though, he is an accused in two other cases but he is on bail in the said cases. It is further submitted that the deceased is a veteran criminal, as has been averred in paragraph no. 9 of the present petition. It is also submitted that there is no eye-witness and FIR has been filed after much delay. Lastly, it is submitted that the CCTV footage of the CCTV installed near the place of occurrence has been examined, however neither the informant nor the petitioner are



stated to be identified in the said CCTV footage.

*Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that there is no eye-witness to the alleged occurrence and moreover, the CCTV footage does not depict the petitioner having fired gun shots on the deceased, this Court deems it fit and proper to grant benefit of doubt to the petitioner herein, as far as consideration of the present bail petition is concerned, however subject to certain conditions. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-5, Samastipur in connection with Samastipur Mufassil PS case no. 420 of 2019.

This Court further directs that since the investigation of the present case is going on, the petitioner herein would appear before the Officer-in-charge of the concerned police station on each and every Monday of the week and co-operate with the Investigating Officer and in case of two consecutive defaults in appearing before the said Officer-in-charge, the



present privilege of bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner would be taken into custody forthwith.

**(Mohit Kumar Shah, J)**

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