

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30413 of 2020

Arising Out of PS. Case No.-35 Year-2016 Thana- BEERPUR District- Begusarai

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Bittu Singh, Son of Ramesh Singh, Resident of Village- Cheriya Bariarpur,
P.S.- Cheriya Bariarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 22-12-2020 Since as of now the Courts have not resumed

normal physical hearing, the matter has been listed today

for consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence.The Court Master and
Secretary are also part of this virtual Court proceedings
from their homes, all with the aid of audio visual
technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Birpur P.S. Case No.35 of 2016 registered for the offence
punishable under Section 302/34 of the I.P.C. and Section
27 of the Arms Act, which is pending in the court of learned



Additional Chief Judicial Magistrate, Begusarai.

The informant has alleged that when he was in the *Barat* procession of his nephew, his brother sustained a gun-shot injury on account of firing in the procession by some persons who he claimed he could identify, but at the time of lodging of the F.I.R. was not knowing the name of the person.

Petitioner's counsel submits that the petitioner was, in fact, working outside the State. When he got the knowledge of his false implication, he has *suo motu* surrendered and is in jail custody since 18.02.2020 without any fault. It is further submitted that the petitioner is not named in the F.I.R. and has subsequently been implicated on extraneous considerations.

Learned APP for the State has opposed the prayer for bail. It is submitted that in the first version, the informant has stated that he had seen the offender. Subsequently, he has named the petitioner. The petitioner is an accused in two other cases since before and has criminal antecedents. The victim is alleged to have died on account of firearm injury attributed to the petitioner.

Considering the rival submissions, this Court, for



the present, is not inclined to allow the petitioner's prayer for bail. The same is rejected.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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