

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30907 of 2020

Arising Out of PS. Case No.-288 Year-2019 Thana- JAYNAGAR District- Madhubani

BITTU SINGH, aged about 28 years, Son of Akhilesh Singh, Resident of
Village - Barhi, P.S. - Jainagar, Dist. - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Alok Kumar Alok, Advocate.

For the Opposite Party : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

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

The petitioner seeks bail in a case for the offence
registered under Sections 302 of the I.P.C. and 27 of the Arms
Act.

The prosecution story, in brief, is that on 05.06.2019
at about 10.15 P.M., the petitioner came to the house of the



informant and started searching his elder son, Amit Kumar Karn. His wife started counselling the matter. His son Amit Kumar Karn also came out of the house and started counselling the petitioner to the extent that since his younger brother Sumit Kumar Karn was in love with the petitioner's sister, and as such, he should not oppose their marriage considering the wishes of his sister. Upon which, the petitioner took out a pistol from his waist and fired on the back side of head of Amit Kumar Karn with a close range. On the sound of firing, the informant came out of his house and could see the petitioner running away on foot with a pistol in his hand and wife of the informant Vidya Devi was shouting and crying in order to save her elder son who was lying in the pool of blood. The victim was taken to Sub Divisional Hospital, Jainagar, where he died.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 12.06.2019 and has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the F.I.R., the informant claims that the petitioner had shot fire upon the deceased due to which he succumbed to the injuries.



Though the informant claims that he had reached at the place of occurrence after hearing the sound of firing. Admittedly, he has not claimed himself to be an eye witness to the alleged occurrence but in the F.I.R., he has stated that his wife i.e., the mother of the deceased, was present from before at the place of occurrence. Hence, the sole eye witness to the alleged occurrence is the mother of the deceased. Annexure-2 series are the depositions of the witnesses. P.W. 1 is the younger brother of the deceased. P.W. 2 is the mother of the deceased and P.W. 3 is the wife of the deceased. P.W. 1 the younger brother of the deceased did not support the prosecution case, hence, he has been declared as hostile by the prosecution. P.W. 2 the mother of the deceased has also not supported the prosecution case and she has also been declared as hostile by the prosecution as to when she is the sole eye witness to the alleged occurrence. P.W. 3 the wife of the deceased in her deposition has stated that she could not identify the assailant nor she has named the petitioner as an assailant.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the depositions of the witnesses i.e., Annexure-2 series to the present application, there is no



substantive evidence to suggest the implication of the petitioner in the present case, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Madhubani, in connection with Sessions Trial No. 462 of 2019, arising out of Jainagar P.S. Case No. 288/2019.

(Sudhir Singh, J)

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