

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14832 of 2021

Arising Out of PS. Case No.-315 Year-2019 Thana- BEUR District- Patna

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Bittu Kumar, Son of Sudhir Sah, Resident of Village- Indupur, P.S.- Barahia,
District- Lakhisarai, A/p - Shivpuri Road No.1, P.S.- Shastri Nagar, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suryadeo Prasad Singh, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 07-10-2021 Matter was listed under the heading “To Be
Mentioned” since there was some error in the description of
the court from which the case diary was to be requisitioned,
as per earlier order. Before the matter was listed today under
the heading “To Be Mentioned”, case diary has already been
received and parties are ready to address the Court on
merits.

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

The petitioner seeks bail in connection with Beur
P.S. Case No.315 of 2019 registered for the offence
punishable under Sections 302/120(B), 34 of the Indian
Penal Code and Section 27 of the Arms Act.



Allegedly, co-accused Rishi Kumar had taken the informant's brother to a room in the premises of agricultural farm house, where allegedly the petitioner and other persons were already present. He was subsequently found shot dead.

On perusal of the case diary, it appears that the petitioner accepted his involvement in conspiring the occurrence before the police during the course of investigation.

Learned counsel for the petitioner has submitted that even if so called statement made before the police is taken to be correct, there is no acceptance of his involvement in the act of killing of the deceased with any motive. He has submitted that over and above the allegation of conspiracy, there is no material against the petitioner. It is also submitted that a similarly situated co-accused Shummy Anand @ Shammi Anand has been allowed bail in Cr.Misc. No.31541 of 2020, vide order dated 12.02.2021. The petitioner is in custody since 18.12.2019.

Be that as it may, considering the materials collected in course of investigation as available in the case diary, I am of the view that a case for grant of regular bail is made out.



It has been submitted by the learned counsel for the petitioner that the petitioner shall not absent himself from the proceedings of the trial before the court below and shall cooperate in expeditious disposal of the trial.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above-named, be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Patna City or the learned court below where the case is pending, in connection with Beur P.S. Case No.315 of 2019.

If the petitioner is found to be breaching the process of expeditious conclusion of trial in any manner, the informant or the State shall be at liberty to approach this Court for cancellation of his bail.

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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