

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 26308 of 2020

Arising Out of PS Case No.-110 Year-2019 Thana- JALALPUR District- Saran

Raman Singh, Male, age near about 30 years, Son of Sri Satyendra Singh,
Resident of Village- Belkunda, PS- Jalalpur and the District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. SSP Yadav, Advocate
For the State : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 07-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. S S P Yadav, learned counsel for the petitioner and Mr. Ram Anurag Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Jalalpur PS Case No. 110 of 2019 dated 29.06.2019, instituted under Sections 363 and 365/34 of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 18.12.2019 passed in Cr. Misc. No. 56145 of 2019.

5. Learned counsel for the petitioner submitted that he is in custody since 07.07.2019 and that he has been falsely



implicated as there is no material to connect him to the crime. It was submitted that only on doubt he has been made accused. Learned counsel raised the issue of the investigation in which the CCTV installed in the house of the petitioner is said to have shown that the deceased had entered the house of the petitioner but was not seen coming out and contended that investigation has not disclosed that whether the CCTV camera was movable or fixed. He submitted that this is an issue which is required to be considered since a fixed CCTV would cover the place at all times whereas a movable camera would not cover any particular place for the entire period and, thus, there are chances that it would miss persons coming out and going into the house if it is not fixed in the direction of the entry/exit point. Learned counsel submitted that similarly situated co-accused namely Dharmnath Sharma @ Dharmnath Sharma has been granted bail by a co-ordinate Bench on 05.03.2020 in Cr. Misc. No. 70025 of 2019; Sudhir Kumar Thakur on 27.11.2019 in Cr. Misc. No. 77269 of 2019 and Rajesh Thakur on 20.01.2020 in Cr. Misc. No. 1088 of 2020. It was submitted that the petitioner is a young man and only charge has been framed till now.

6. Learned APP submitted that the deceased going into the house of the petitioner along with others for a meeting and the



other persons coming out and the deceased not coming out itself is strong indication of the complicity of the petitioner in the crime. Further, it was submitted that the technical issue of the CCTV being fixed or movable is not required to be gone into at this stage for the simple reason that persons had come to the house of the petitioner for a meeting and, thus, when that place is covered in the CCTV footage and persons have also seen coming out, there is no reason why only the deceased would not come out of the house of the petitioner. Further, it was submitted that co-accused Sudhir Thakur has recorded his confessional statement in which he has said that he was called by the driver of the petitioner and when he went to the spot, he had seen the petitioner and a body being unloaded from his Bolero vehicle. It was submitted as of now the materials against the petitioner are overwhelming. It was further submitted that the persons who have been granted bail were the persons who were seen coming out of the house of the petitioner and, thus, their case stands on a different footing as the deceased was not seen coming out from the house of the petitioner and therefore the petitioner cannot claim parity with regard to such co-accused who have been granted bail.

7. Having considered the matter, the Court does not find any fresh ground to consider the prayer bail of the petitioner.



8. Accordingly, the application stands dismissed.

9. However, since charge has been framed, the Court below is directed to expedite the trial and conclude the same at the earliest, preferably within nine months from the date of receipt of a copy of this order.

10. The Superintendent of Police, Saran is directed to ensure that witnesses are produced before the Court on the dates so fixed in the matter.

11. Registry shall communicate the order to the Superintendent of Police, Saran also, forthwith.

(Ahsanuddin Amanullah, J.)

P. Kumar

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