

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47196 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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BITTU KUMAR SINGH @ SASHI RANJAN KUMAR SINGH Son of Ram
Pravesh Singh Resident of Village- Dubhar, P.S.- Magadh Medical, District-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Anil Kumar

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 17-01-2022 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,

requiring social distancing.

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

Petitioner seeks bail in connection with Magadh
Medical P.S. Case no. 40 of 2021 registered for the offence
punishable under section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 29.1.2021, is person with clean
antecedent and charge sheet has been submitted. Learned
counsel submits that the informant in the FIR alleges that his



father went to the home of Akhilesh Yadav on 24.1.2021 at about 6 p.m. but he did not return on time, suddenly at about 8.15 p.m, Bittu Kumar Singh (petitioner) came to the house of the informant and informed that five persons were assaulting his father at Naili Dubhal road, accordingly the informant and his family members reached at the place of occurrence but they found nothing and on 25.1.2021 at 10.30 a.m., dead body of the deceased was found on east Naili Dubhal road and mobile was also recovered near the dead body. Accordingly, case was instituted. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that this petitioner who came and informed the informant about the occurrence and later came to be implicated in the present case. Learned counsel submits that had this petitioner been involved in the occurrence even remotely then out of fear of implication, he would never have come to the house of the informant for informing that his father was being assaulted. Learned counsel further submits that this petitioner is also a person with clean antecedent and as far as allegation that brick by which father of the informant was assaulted at his instance that is because petitioner had informed that his father was being assaulted by brick, so as such it cannot be said that at his



instance brick was recovered by which crime was committed. Learned counsel submits that there is no eye-witness to the occurrence also and lastly, it is submitted that co-accused Arvind Singh has been granted bail by order dated 22.10.2021 in Cr. Misc. no. 41256/2021.

Learned APP vehemently opposes the prayer for bail and submits that at the instance of this petitioner the brick by which crime was committed was recovered and the occurrence was committed on account of pre-existing dispute as has been recorded in the impugned order.

Considering the facts that petitioner is in jail custody, is person with clean antecedent, charge sheet has been submitted and co-accused has been granted bail, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate IV, Gaya in Magadh Medical P.S. Case no. 40 of 2021.

(Satyavrat Verma, J)

s.hassan/-

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