

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20540 of 2022

Arising Out of PS. Case No.-166 Year-2021 Thana- BAHADURPUR District- Patna

ANIKET KUMAR @ BITTU KUMAR Son of Ganauri Paswan Resident of
Rampur, P.S.- Bahadurpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Lakshmikant Sharma, Adv.
For the Opposite Party/s	:	Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 07-02-2023 Heard the learned Senior Counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Bahadurpur P.S. Case No. 166 of 2021, registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The deceased brother of the informant, namely, Vishnu Kumar, used to stay at Ambedkar hostel and was posted as Ward Surveyor and used to help the students in cooking food. It is the averment of the informant that at 10:30 in the night on 31.7.2021, he received information that somebody has shot dead his brother in his room



and he has been taken to NMCH, Patna, however, he subsequently came to know that the Doctor had declared him dead.

The learned Senior Counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 18.8.2020. The learned Senior Counsel for the petitioner has further submitted that the petitioner has been implicated in the present case only since he is having a bad antecedent, inasmuch as he is an accused in five other criminal cases. It is further submitted that there is no evidence on record to suggest the complicity of the petitioner in the alleged crime.

Per contra, the learned APP for the State has submitted, by referring to the case diary that ample materials are available on record to show the complicity of the petitioner in the alleged crime. The learned APP for the State has referred to the statement made by the eye-witnesses, as recorded during the course of investigation and



has referred to paragraph no. 47 of the case diary, to submit that the said eye-witness is a student staying in the said hostel and he has deposed that on 31.7.2021 at about 8:30 pm., while he was in the mess along with the deceased and Sanoj Kumar @ Fantush was standing outside the mess on the road and was talking on phone, the petitioner had arrived at the mess and while the said eye-witness, namely, Sonu Paswan, was taking out food, the petitioner had taken out pistol from his waist and had fired gunshot on the deceased resulting in him falling on the ground, whereafter the petitioner had fled away. The learned APP for the State has also referred to the statement made by the eye-witness, namely, Sanoj Kumar @ Fantush, as recorded in paragraph no. 48 of the case diary, to submit that he has also stated that after he heard sound of gun firing inside the mess, he saw the petitioner coming out of the mess holding a pistol in his hand and then, he came to know that he had shot dead the deceased, namely, Vishnu. Thus, it is submitted



that there are ample materials available on record to show that the petitioner had shot dead the deceased.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned Senior Counsel for the petitioner and taking into account the materials available on record as also considering those available in the case diary, this Court finds that there are ample materials on record to show that the petitioner has committed the gruesome murder of the deceased, apart from there being eye-witnesses to the said occurrence, hence I am not inclined to grant bail to the petitioner, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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