

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31224 of 2023

Arising Out of PS. Case No.-174 Year-2022 Thana- ATHMALGOLA District- Patna

BITTU KUMAR @ DEEPAK KUMAR SON OF BHOLA SINGH Resident
of Village - Berhna, P.S. - Barh, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions Trial No. 1483 of 2022 arising out of Athmalgola P.S. Case No. 174 of 2022 dated 20.06.2022 registered for the offence under Sections 120(b), 307, 302 and 34 of the Indian Penal Code.

Three unknown persons are alleged to have fired upon the father of the informant as a result of which he sustained multiple gunshot injuries and died during treatment.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been



implicated in this case. He further submits that the petitioner has not been named in the F.I.R., however, his name transpired in this case on the basis of confessional statement of the co-accused, Raman Kumar thereafter his confession has been recorded before the police. He further submits that on bare perusal of the F.I.R., it appears that the specific allegation of firing is attributed to the other accused persons, who are named in the F.I.R., that they have indiscriminately opened fire upon the father of the informant causing his death during treatment. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that though the informant has alleged the involvement of the unknown accused but he has not disclosed anything about the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 07.11.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and fairly submits that



the petitioner has not been named in the F.I.R. rather his name transpired in this case during course of investigation on the basis of confession of the co-accused and thereafter his self confession has been recorded before the police. He further submits that the CDR location collected during investigation suggest that the petitioner was in regular touch of the accused, Raman Kumar and apart from the aforesaid, the petitioner carries seven more cases other than the present one according to paragraph-3 of the petition and he has been allowed bail in five cases out of seven.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional District and Sessions Judge-1st, Barh, Patna in connection with Sessions Trial No. 1483 of 2022 arising out of Athmalgola P.S. Case No. 174 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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