

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23038 of 2023

Arising Out of PS. Case No.-449 Year-2022 Thana- BARH District- Patna

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Bittu Kumar @ Deepak Kumar SON OF BHOLA SINGH Village- Berhna Ps-
Barh Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Informant	:	Mr. Deepak Kumar, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
03.08.2022 in connection with Barh P.S. Case No. 449 of 2022,
F.I.R. dated 13.07.2022 for the offences punishable under
Sections 302/120(B) of the Indian Penal Code and Section 27 of
the Arms Act.

3. According to prosecution case, it has been alleged
by the informant that his son was sitting near Savita Cinema
Hall with his friends, in the meantime, the petitioner along with
3-4 persons visited there and started indiscriminate firing upon
his son, due to which the informant's son and his friend namely



Vinay Pandey were injured and referred to Patna for better medical treatment but both died on the way.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of CCTV footage and the informant has disclosed that the petitioner was seen in the CCTV footage. He further submits that it appears from paragraph no.13 of the case diary that all the persons who were seen in the CCTV footage they covered their face with Gamcha and mask.

5. The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that Randhir Kumar who is eye witness of the alleged occurrence has clearly stated in para-90 of the case diary that the petitioner has fired upon the victim and apart from that the co-accused namely, Thappu Singh @ Harishankar has also confessed his guilt and in para-83 of the case diary the petitioner also confessed his guilt in the present occurrence. They further submits that the bail application of similarly situated co-accused



namely, Thappu Singh @ Harishankar Singh @ Pappu Singh has been rejected by a co-ordinate Bench of this Hon'ble Court vide order dated 16.02.2023 passed in Cr. Misc. No.64887 of 2022 and apart from that petitioner carries seven criminal antecedents other than the present one.

Vide order dated 17.07.2023 a report was called for with regard to the present stage of trial. Report dated 04.08.2023 of the learned Trial court reveals that out of eight charge sheet witnesses, two witnesses have been examined and learned trial court also informed this Court that one of the witnesses, namely, Randhir Kumar has mentioned about threatening gesture being made by one of the accused Thappu Singh in this case.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Barh P.S. Case No. 449 of 2022 pending in the court of learned Additional Chief Judicial Magistrate-1st, Barh, Patna.

Prayer is refused.

(Rajesh Kumar Verma, J)

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