

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35781 of 2022

Arising Out of PS. Case No.-98 Year-2018 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Bittu Singh @ Baibhav Vardhan Singh @ Baibhav Vardhan Son Of Mirtunjay
Kumar Singh R/O Village- Maheshwara, P.S.- Nowkothi, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 18-10-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 302/34 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was
rejected vide order dated 24.01.2022 passed in Cr.
Misc. No. 31493 of 2021.

It is a case of commission of murder of the
brother of the informant by the petitioner and co-
accused Dhiraj Kumar by gunshot firing.

It is submitted by learned counsel for the



petitioner that petitioner is innocent and he has falsely been implicated in this case. The deceased was a notorious criminal and several cases were pending against him. Hence, it might be a possibility that he was killed by criminals. It is specifically alleged that petitioner and co-accused Dhiraj Kumar shot fire at the deceased but only one bullet was found during the postmortem report which suggests that informant is not the eye witness to the occurrence. The petitioner is languishing in custody since 10.12.2020.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that petitioner has criminal antecedents and there is direct allegation against the petitioner to have shot at the deceased, as a result of which, he succumbed to the injuries.

In pursuance to the direction of this Court, a report with regard to the present stage of the trial has



been received and it has been kept at Flag-R.

The report of learned Additional District & Sessions Judge-II, Begusarai dated 11.04.2023 suggests that charges have still not been framed and the case is fixed for awaiting of E/R which suggests that there is no likelihood of the trial to be concluded in near future.

Considering the facts aforesaid and the fact that there is no likelihood of the trial being concluded in near future and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XIV, Begusarai in connection with Nowkothi P.S. Case No. 98 of 2018 (Sessions Trial No. 182/2020).

(Sunil Kumar Panwar, J)

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