

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58255 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Aniket Kumar @ Chhotka @ Chhotu Kumar S/o Sunil Singh Resident of
Village Pahsara, P.S.- Nawkothi, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 61225 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Ramesh Singh @ Golki Singh S/O Rajendra Singh @ Khopdi Singh R/O
Village- Babhangama, P.S- Nowkothi, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 58255 of 2022)

For the Petitioner/s : Mr. Arjun Prasad, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No.2, APP

(In CRIMINAL MISCELLANEOUS No. 61225 of 2022)

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

100 21-02-2023
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Let the defect(s), if any, be removed within two weeks
from today.

So far as the second case (Cr. Misc. No.61225 of
2022) is concerned, it has been stated that in paragraph 3, there
are 14 criminal cases pending against the petitioner. From the
case diary, it transpires that there are 17 cases pending against

the petitioner. From the order of the Sessions Court, it also transpires that he had made suppression before the Trial Court.

In this view of the matter, the bail petition of the second case (Cr. Misc. No.61225 of 2022) is rejected out rightly.

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

The petitioner seeks regular bail in connection with Nawkothe P.S. Case No. 103 of 2021 lodged under Sections 302, 120(B), 34 of the I.P.C. read with Section 3/4 Explosive Substance Act, 1908.

As per the prosecution case, the F.I.R. has been lodged against 10-15 unknown persons against whom it has been alleged that the informant's son went to the temple of *Bajrangbali* and after locking the temple, he sat there. In the meantime, 10-15 unknown persons came and scuffling took place there. The informant received the information in this regard and then, immediately went to the place of occurrence. But in the meantime, the accused persons have thrown bomb on the informant's son and fled away due to which he died.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. Counsel submits that his

identification has alleged to be made by virtue of his picture from CCTV footage which is not reliable evidence because the plea has been taken by the petitioner that he had gone there to save the occurrence and he tried to save the deceased.

Counsel further submits that there are 5 criminal cases pending against him and he is on bail. Counsel submits that he is in custody since 08.09.2021. The specific plea of the petitioner is that the CCTV footage is not a conclusive piece of evidence so it may not be relied as he has visited there only to save the occurrence and he tried to save the deceased.

Counsel for the petitioner submits that the other co-accused persons have been granted bail by the Co-ordinate Bench of this Hon'ble Court passed in Cr. Misc. No.32755 of 2022 and Cr. Misc. No.46435 of 2022. The case of these 2 petitioners who have been granted bail are different from the present petitioner.

Learned counsel for the State opposes the prayer for bail and submits that CCTV footage is non-reliable piece of evidence rather after amendment in the Evidence Acts and addition of Section 65(B), the evidence of CCTV is acceptable in the eye of law. Counsel also submits that the most surprising thing is that petitioner has went to save the informant but there

has no sign of any injury on his person particularly, when there were 10-15 persons were indiscriminately abusing the deceased.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

With this observation, the bail application (Cr. Misc. No.58255 of 2022) stands rejected.

(Dr. Anshuman, J.)

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