

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9465 of 2024

Arising Out of PS. Case No.-336 Year-2023 Thana- ALAMGANJ District- Patna

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Bittu Kumar @ Bitu Kumar, aged about 19 years, Son Of Madan Kumar
Resident Of Village - Dipkulapar, P.S. - Dhanarua, District – Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Anil Kumar, Advocate
For the Informant	:	Mr. Arvink Kr. Mouar, Advocate
For the State	:	Mr. Amitesh Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 28-06-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Alamganj P.S. Case No. 336 of 2023 dated 18.04.2023
registered for the offences punishable under Sections 302,
120B/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 18.04.2023 at 3.20
P.M., Raj Mistry called the informant's husband regarding
carrying of cement then her husband went there and after 15
minutes, one Mistry Ajit Kumar came and told the informant
that two persons came and fired four rounds on her husband and
then they fled away. Then the informant went to her constructed
house and saw that her husband was lying down near the



boundary. The informant carried her husband to hospital where he was declared died. The informant also told before the police that there was land dispute between the co-accused persons and the informant's husband. They gave threatening to the informant's husband and Vijay Yadav and Anil Singh lodged 6-7 cases against her husband.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case during investigation on the basis of the confessional statement of the co-accused Suraj Kumar @ Rocky and Ashik Kumar @ Chhotu which got no evidentiary value in the eye of law. It is further submitted that during the course of investigation, the son of the deceased Sunny Kumar has said that Vijay Yadav and Dr. Sudhir Kumar @ Dhananjay Kumar had planned to kill the deceased for which they contacted the co-accused Nitish Kumar who is a doctor at Masaurhi and the petitioner is a compounder of the said Nitish Kumar, so, he has been made accused in the present case. No incriminating article has been recovered from possession of the petitioner. It is further submitted that the other co-accused person Suraj Kumar @ Rocky has been granted bail



by a Bench of this Court vide Cr. Misc. No. 8604 of 2024 under order dated 21.06.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 06.05.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Patna City in connection with Alamganj P.S. Case No. 336 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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