

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64192 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- Singhaul District- Begusarai

Bittu Kumar Son of Hardeo Yadav @ Hardeo Prasad Yadav Resident of
Village - Kaithma, Police Station - Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Miss.Suruchi Anand, Advocate Mr. Nidhi Anand, Advocate
For the State	:	Mr.Jitendra Kumar Singh, APP
For the informant	:	Mr. Dinkar Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-12-2024 Heard Miss Suruchi Anand as also Mr. Nidhi Anand,

learned counsels for the petitioner as also Mr. Dinkar Kumar

Gautam, learned counsel for the informant besides Mr. Jitendra

Kumar Singh, learned APP for the State.

2. The petitioner is in judicial custody in connection
with Singhaul P.S. Case No. 10/2024 for the offence punishable
under Sections 307, 302, 34 and 120(B) of the Indian Penal
Code and section 25(1-B)a/26 & 27 of the Arms Act lodged on
15.03.2024 by the informant, Ravindra Kumar.

3. As per the prosecution story, the informant alleged
that the deceased Saurabh Kumar came home from the market,
from mobile no. XXXXX00443, he started chatting and
thereafter, went out of the house. Though, the informant tried to
enquire, Saurabh Kumar informed that he is coming after an



hour. As he failed to return, a search was made. When it came to knowledge that he has been shot down and is in Hospital for treatment. Ultimately, he succumbed to the injuries which followed the FIR.

4. It is the case of the petitioner that only because of criminal antecedent and the fact that his motorcycle number was found in the CCTV camera, he got implicated. He had no reason to plan/kill Saurabh Kumar which fact can be emanated from the fact that in the FIR, he has not been made accused. Further, the presence of motorcycle in the CCTV without ascertaining the actual colour, it cannot be concluded that it belongs to him. It is the further joint submissions of the learned counsels for the petitioner that the deceased had criminal antecedent and as such had enmity with several persons, one of whom may have executed the plan/killing.

5. In this case, a coordinate bench had called for the case diary and the learned counsel for the informant has taken this Court to the different paragraphs to show that it was the petitioner who was present with his bullet motorcycle having registration no. xx11 in which a lady was also pillion rider, he took the photograph which through the lady went to the phone of the deceased, there are chats to show that he thereafter



started moving towards the place of occurrence where two unknown criminals shot at, injured which finally proved fatal.

6. The CCTV camera and the other details clearly show the involvement of the petitioner in the alleged killing of the informant's son, Saurabh Kumar. The transfer of the picture it coming to the mobile of the deceased, his movement towards the place of occurrence followed by the killing clearly show the petitioner as one of the conspirators. The investigation is on, the alleged killers are still large, in that background, it would not be appropriate for this Court to enlarge the petitioner on bail.

7. The bail application stands rejected.

8. Nothing recorded in this order shall be taken up in course of the trial as the same has been observed only for the purpose of considering of the bail application of the petitioner.

9. Before parting, this Court would like to put on record its word of appreciation for Ms. Suruchi Anand as also Mr. Nidhi Anand, learned counsels for the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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