

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70894 of 2024

Arising Out of PS. Case No.-272 Year-2023 Thana- GORIAKOTHI District- Siwan

Bittu Kumar Singh Son of Omprakash Singh Village- Mahuwari, P.S.-
Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 06-12-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 240 of 2024 arising out of Goreakothi P.S. Case No. 272 of 2023 registered for the offences punishable under Sections 302, 392 of the IPC and Section 27 of the Arms Act.

3. As per prosecution case, informant got information on her mobile no. 8757470100 from mobile no. 8090055554 and 9931260075 that her son is in Siwan hospital upon which she went to hospital where she got information that in the evening at 4 P.M. her son Aakash Kumar was coming after collection of cash of Fusion Micro Company and miscreants snatched the cash from his possession and fired



bullet on his chest causing his death. It is further alleged that informant has belief that employees and officers of Fusion Micro Company Limited have killed her son with the connivance of criminals.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and during the course of investigation his name has been transpired in the case upon the confessional Statement of co-accused Abhishek @ Shashi Pandit. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Learned counsel further submits that petitioner has not been put on TIP. Learned counsel has submitted supplementary affidavit in which it has been stated that no motorcycle of the deceased has been recovered from his possession or from his house. Motorcycle recovered from his house is not the deceased motorcycle. In this way, no incriminating has been recovered from his possession or from his house. He further submits that petitioner is in custody since 02.11.2023 which is more than one year. Learned counsel submits that petitioner bears criminal antecedent of two cases in which he is already on bail. Charge has been submitted in the case and there is no likelihood of tampering with the



prosecution evidence. He further submits that there is no eye witness to the alleged occurrence. Learned counsel for the petitioner submits that petitioner is quite innocent and he has falsely been implicated in this case.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Siwan in connection with Sessions Trial No. 240 of 2024 arising out of Goreakothi P.S. Case No. 272 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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