

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74232 of 2024

Arising Out of PS. Case No.-1164 Year-2023 Thana- ALAMGANJ District- Patna

Karan Kumar, Son of Vinod Paswan, Resident of Gur Ki Mandi, Arfabad Colony, Raj Putana Toli, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-01-2025 Heard learned Counsel for the petitioner, the learned A.P.P., Chandra Bhushan Prasad for the State and the learned Counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in connection with Alamganj, P.S. Case No. 1164 of 2023 registered for the offences punishable under Sections 302, 34 and 120(B) of the Indian Penal Code.

3. The Station House Officer along with the Investigating Officer in compliance of the order dated 18.01.2025.

4. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent aged about 19 years and is son of Vinod Paswan and the informant alleges that on orders of Ramu Kumar @ Karan Kumar, accused Triloki

Kumar shot the brother of the informant on his head and the injured died on way to the hospital. Further, accused named persons in the FIR are alleged to have been involved in the conspiracy.

5. Learned Counsel for the petitioner next submits that the petitioner is not named in the FIR and his name transpired in the fourth statement of the informant, recorded after four months of the occurrence. The petitioner and the informant are known to each other, as they reside in the same locality, which casts an aspersion on the case of the prosecution that as to why the petitioner was not named initially when the FIR was instituted and was implicated, subsequently, after four month of the occurrence.

6. The S.H.O. and the Investigating Officer of the case who are present in the Court submits that it is true that the name of the petitioner transpired in the FIR after four months of the occurrence, but then, it is submitted that during the course of investigation, the CCTV footage was investigated and it was found that the petitioner was present at the place of occurrence when the occurrence is alleged to have been committed, as his picture was recorded in the CCTV footage. The Investigating Officer further submits that the motorcycle which was used in

the occurrence was also recovered at the instance of the petitioner, it is next submitted that and one Karan Kumar, who is named in the FIR is said to have talked to the petitioner eleven times on the date of occurrence. As such it is submitted that there are enough circumstantial evidence to connect the petitioner with the offence for the present.

7. Learned A.P.P. for the State and learned Counsel appearing on behalf of the informant also concur with the submissions made by the Investigating Officer of the case. The said submissions of the Investigating officer is rebutted by the learned Counsel appearing on behalf of the petitioner on the ground that if the petitioner was captured in the CCTV footage that in no way connects the petitioner with the offence for the reason that he also reside at the same place where the informant resides and it may be a possibility that the petitioner at the time of occurrence was coming from his home and his picture got captured by the CCTV. It is also submitted that no doubt during the course of investigation, it has come that at the instance of the petitioner the motorcycle was recovered, which was in used in the crime, but then, it is submitted that the same is an aspect of the Trial whether the motorcycle which is alleged to have been recovered in the same motorcycle which was used in the

occurrence or not. It is further submitted that it absolutely does not stand to reason that if the petitioner had to participate in the occurrence then why would he be present at the place of occurrence when he was known to the informant.

8. On the query of the Court that as to whether the charges have been framed against the petitioner or not, on which the learned Counsel appearing on behalf of the petitioner fairly submits that the charges have not been framed and thus seeks permission to withdraw the bail application with liberty to renew his prayer for bail after framing of the charges.

9. The permission is accorded.

10. The physical appearance of the S.H.O. and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J.)

Jyoti Kumari/-

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