

Bail Matter No. 2282/2025
STATE Vs. Arjun @ Bittu
FIR No. 105/2023
PS: Fatehpur Beri

19.11.2025

This is an bail application U/s 483 of BNSS, 2023 moved on behalf of applicant/accused Arjun @ Bittu for grant of bail.

Pr: Sh. Pravin Rahul, Ld. Addl. PP for State.

Sh. Hitesh Baisla with Sh. Sagar Chandela, and Sh. Akash Basoya, Ld counsel for applicant/accused.

Sh. Virender, brother of the deceased victim is present in person.

Deputed IO SI Ravindra Singh is present in person.

Reply to the bail application has already been filed and copy of the same is stated to be already supplied.

1. Arguments on the bail application heard. Perused the record of the chargesheet as well as reply of the bail application.

2. Sh. Virender, brother of deceased/victim submits on behalf of the victims family that he has no objection if the applicant/accused be admitted on bail and he submits that he voluntarily submitting this without any fear, pressure or coercion.

3. It is submitted on behalf of the accused/applicant that accused/applicant is running into custody since 13.04.2023. It is further submitted that the eye witnesses of the prosecution Virender, Anoop and Parveen have already been examined and cross examined and they did not support the case of prosecution on the point of identity of accused/applicant in the commission of

offence against the victim. It is further submitted that these three eye witnesses were the close relative of the victim. It is further submitted that other two public witness Amit and Neeraj Mishra were also examined and they also did not support the case of prosecution. It is further submitted that the alleged CCTV footage with respect to the witnesses Amit and Neeraj Mishra were not pertaining to the place of incident and the same were pertaining to some other place.

4. It is further submitted that other four accused persons who were similarly placed have already been granted bail by this Court after examination of the eye witnesses of the present case. It is further submitted that the alleged weapon of offence was planted one against the accused and investigation regarding the FSL result with respect to the alleged weapon of offence is still pending.

5. It is further submitted that the remaining witnesses of the prosecution are mainly police officials and there is no likelihood that they may be threatened or influenced. It is further submitted that further trial will take long time, so accused/applicant may be admitted on bail on the terms and conditions as deem appropriate by the Court.

6. The bail application has not been opposed on behalf of the victims family by Sh. Virender, brother of the deceased/victim.

7. The bail application has been vehemently opposed on behalf of the State assisted by deputed IO. It is submitted that

allegation against the accused are serious in nature regarding commission of murder of deceased/victim Surrender. It is further submitted that as per the record, the accused/applicant had previously attempted to kill the victim regarding which FIR No. 106/2010 PS Fatehpur Beri was registered and in that case he was convicted.

8. It is further submitted that accused/applicant was having grudge against the deceased Surrender and after being released from the custody in FIR No. 106/2010 PS Fatehpur Beri, he again has hatched the conspiracy and killed the victim in brutal manner by firing bullet upon the victim.

9. It is further submitted that accused/applicant is a habitual offender and he has terror in the area and due to the same reason, the witnesses of the prosecution had not supported the case of prosecution.

10. It is further submitted that circumstantial evidence suggest the presence of the accused and motive for commission of the offence against the victim and previous conduct of the accused. It is further submitted that witnesses might be influenced by the accused. It is further submitted that the CCTV footage of the nearby area corroborate the case of prosecution regarding the presence of the accused in the nearby area.

11. It is further submitted that vehicle used in the commission of offence has been seized during the investigation. It is further submitted that the fire arms used in the commission of offence has also been seized and FSL result is pending for it.

12. It is further submitted that accused/applicant is not entitled to be admitted on bail and his bail application be rejected.

13. In rebuttal to the arguments of Ld. Addl PP for the State, Ld counsel for applicant/accused submits that the previous conviction of the applicant does not mean that he committed offence again against the victim. It is further submitted that the alleged CCTV footage was not pertaining to the place of incident and the persons seen in the CCTV footage were wearing helmet and their identity could not be established during the examination of eye witnesses.

14. It is further submitted that no evidence in the form of direct or indirect or corroborative came against the accused/applicant, so the accused/applicant may be admitted on bail on the terms and conditions as deem appropriate by the Court.

15. Heard the submission of both the parties.

16. As per the allegation on 08.03.2023, the victim Surender was murdered by firing bullet by the accused persons namely Arjun @ Bittoo/applicant, Rajat @ Rajoo and Parveen and at the time of the incident, the co accused persons were standing at the place of incident in order to guard the incident from public interference by public persons.

17. The prosecution had cited three eye witnesses of the incident namely Birender/PW2, Parveen/PW6 and Anoop/PW5. However, during their examination in chief and during their cross

examination on behalf of the State, these witnesses have failed to identify the accused/applicant as one of the person who was involved in the commission of offence against the victim contrary to the case of prosecution.

18. The prosecution has cited as many as 42 witnesses and the eye witnesses of the incident have not supported the case of prosecution regarding the identity of the accused/applicant in the commission of offence against the victim.

19. Hence, considering the totality of facts, circumstances of the case, submission of both the parties and evidence which came on record from the testimonies of eye witnesses of the incident i.e. witness PW2, PW5 and PW6, the Court is of the view that accused/applicant is entitled to be admitted on bail.

20. Accordingly, the bail application of the accused/applicant Arjun @ Bittu is allowed subject to the following conditions:-

- a. That the accused/applicant shall furnish the B/B and S/B for sum of Rs. One Lac each to the satisfaction of this Court/Ld. Duty JMFC, South, Saket.
- b. That the accused/applicant shall not try to contact with the remaining witnesses of the case in any manner and shall not visit in the area of PS Fatehpur Beri.
- c. That the accused/applicant shall not commit any offence in future.

21. The bail application stands disposed off in terms of above said order.
22. Dasti.

(Ravindra Kumar Pandey)
Addl. Sessions Judge-03(South)
Saket Courts/New Delhi/19.11.2025