

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55561 of 2016

Arising Out of PS.Case No. -351 Year- 2016 Thana -DALSINGSARAI District- SAMASTIPUR

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1. Rohit Kumar @ Rohit Kumar Choudhary, Son of Sri Prem Kumar Choudhary, Resident of Village- Fateha, P.S.- Bachhwara, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr. Thakur, Advocate
Mr. Ravi Ranjan, Advocate
For the State : Smt. Sahin Begam
For the informant : Mr. Dharmesh Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 02-03-2017 Heard both sides.

The petitioner seeks bail in Dalsingsarai P.S. case No. 351 of 2016 under Section 302, 394 of the Indian Penal Code.

The informant lodged the case against three unknown persons alleging therein that they came on a motor cycle and made indiscriminate firing, killing his brother.

The learned counsel for the petitioner submits that name of the petitioner figured in the case in the confessional statement of co-accused Golden Kumar. The informant is brother of deceased and he claims to be eye witness of the occurrence. He saw three persons coming on a motor cycle but he did not



disclose the name of petitioner. Even after being arrested, the petitioner was not put on T. I. parade and except the confessional statement of co-accused, there is no material against the petitioner. Golden Kumar, who is said to have confessed, has also not assigned any specific role against the petitioner in the murder of deceased. Golden Kumar disclosed that petitioner was working as liner.

The learned counsel for the informant as well as the learned Additional Public Prosecutor opposed the prayer for bail and submitted that it is a case of cold blooded murder by hired criminals. The Supari killer, Golden Kumar, confessed his guilt and disclosed that petitioner was also talking with him at the time of occurrence and he gave him vital information. The I. O. found mobile location of the petitioner in the vicinity of place of occurrence.

It appears that petitioner is not named in the FIR and the name of petitioner figured in the case in the confessional statement of co-accused, who did not attribute any specific allegation of any overt act against the petitioner in his confessional statement. The petitioner is also resident of Dalsingsarai and the case of petitioner is that he was present in the market at the time of occurrence.



Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Dalsingsarai (Samastipur) in Dalsingsarai P.S. Case No. 351 of 2016.

(Prabhat Kumar Jha, J)

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