

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24486 of 2018

Arising Out of PS.Case No. -838 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Rohit Kumar Singh @ Chandan Singh son of Vijay Kumar Singh resident
of village - Koluharwa Ward No. 1, P.S. - Town, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 28-05-2018

Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Motihari Town PS case no. 838 of 2017 instituted for the offences
punishable under Sections 302, 120B/34 of Indian Penal Code and
27 of Arms Act.

The case of the prosecution, according to the
informant, is that on 25.11.2017 at about 10.15 am, he had
received a call from another mobile and he was informed that his
son had been shot dead. Thereafter, the informant is said to have
gone at the place of occurrence and brought his son in an injured
condition to the hospital where the son of the informant died. It
has been alleged by the informant that his son was murdered on



account of political rivalry.

The learned counsel for the petitioner submits that the petitioner is a non-FIR named accused person. It is further submitted a bare perusal of the case diary would show that upon examining the CCTV footage, the main assailants have been found to be one namely Cigrate and the other person is Suman Saurabh. It is further submitted that no allegation whatsoever has been leveled during the course of investigation by any of the witnesses, as far as the petitioner herein is concerned. The petitioner is stated to be having a clean antecedent and he is languishing in custody since 09.12.2017.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and have referred to paragraph no. 150 of the case diary which is the statement of the co-accused namely Subodh Kumar. It has been submitted in this regard that the said accused has taken the name of the petitioner to be a person who used to call him on mobile.

Barring the aforesaid statement of the co-accused Subodh Kumar, the learned APP for the State has failed to show from the material on record, anything to suggest the complicity of the petitioner herein in the present case. Admittedly, the main



assailants who have been identified in the present case are Cigrate
and Suman Saurabh

Having regard to the facts and circumstances of
the case, the abovenamed petitioner is directed to be released on
regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten
thousand) with two sureties of the like amount each to the
satisfaction of Chief Judicial Magistrate, Motihari, East
Champaran in connection with Motihari Town PS case no. 838 of
2017.

(Mohit Kumar Shah, J)

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