

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2136 of 2019

Arising Out of PS. Case No.-407 Year-2017 Thana- ALOULI District- Khagaria

Rohit Kumar, son of Kamlesh Yadav @ Kamleshwari Yadav Resident of
Village - Alauli Chharraparty, P.S.Alauli, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-01-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
03.08.2018 in connection with Alauli P.S.Case No.407 of 2017
for the offence alleged under Sections 398/414 of the Indian
Penal Code and Sections 25(1B)A/26/35 and 27 of the Arms
Act.

The prosecution case as lodged by the informant is
that while the informant along with his family members was
sleeping in the house, the door was knocked and when he
opened, he found 3-4 persons carrying a pump-set from his
house on which he raised alarm. Thereafter accused fired and
fled away from the place with the motorcycle. On alarm being
raised, the villagers gathered and caught three persons, two were
beaten to death and another co-accused, who was caught,



namely, Laxman Yadav revealed the name of the petitioner and other co-accused to be his associates.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that nothing has been recovered from his conscious possession and the confessional statement of the co-accused is not reliable. He further submits that he is languishing in judicial custody since more than five months and a sympathetic consideration be given.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case is pending against him.

Considering the facts and circumstances and the materials 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 in connection with Alauli P.S.Case No.407 of 2017 to the satisfaction of CJM, Khagaria, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.



(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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