

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14703 of 2019

Arising Out of P.S. Case No.-486 Year-2017 Thana- BHAGWAN BAZAR District- Saran

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ROHIT KUMAR, aged about 21 years (male), Son of Hardwar Prasad
Resident of Village- Roopganj Karim Chak, P.S.- Chapra Town, Distt. Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-03-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody in
connection with Sessions Trial No.433 of 2018 arising out of
Bhagwan Bazar P.S.Case No.486 of 2017 for the offence alleged
under Sections 396 and 397 of the Indian Penal Code.

The petitioner had earlier moved for bail which was
rejected by order dated 19.07.2018 passed in Cr.Misc.No.22736
of 2018.

The prosecution case as lodged by the informant is
that he along with his brother-in-law Awatar Singh had gone to
the market for trading in jewelry. After returning on a rickshaw
with cash and jewelry some miscreants open fired which hit the



brother-in-law Awatar Singh who succumbed. Thereafter, the miscreants six in number in three motorcycles snatched and looted the bag containing cash and jewelry.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR and his name surfaced on the confessional statement of co-accused. He submits that no test identification parade has been done so far and the petitioner is languishing in judicial custody since 01.12.2017. He further submits that some of the co-accused on similar allegations have been granted the privilege of bail by co-ordinate Benches in Cr.Misc.No.64531 of 2018 dated 02.11.2018, Cr.Misc.No.40900 of 2018 dated 16.08.2018 and Cr.Revision No.1153 of 2018 dated 06.02.2019. Petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations 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 Sessions Trial No.433 of 2018 arising out of Bhagwan Bazar P.S.Case No.486 of 2017 to the satisfaction of



learned 11th Additional Sessions Judge, Saran at Chapra,
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 his relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) 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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