

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48974 of 2019

Arising Out of PS. Case No.-88 Year-2018 Thana- HATHIDAH District- Patna

ROCKY KUMAR Son of Late Raj Kumar Paswan Resident of Mokama
Ghat, P.S. - Mokama, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gouranga Chatterjee
For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 04-12-2019 Heard both sides.

The petitioner seeks bail in Hathidah P.S. case No. 88
of 2018 registered under Section 302, 307, 120B, 34 of the IPC
and u/s 27 of the Arms Act.

The informant named Rocky Kumar, the petitioner,
Raju Kumar and Lalan Kumar and alleged that they all scaled
over the roof of her house on 07.11.2018 at about 11.40 in the
night and made indiscriminate firing killing his brother, Amar
Kumar, on the spot. After hearing the sound of firing her another
brother, Indrajit Kumar, came there but the accused persons
opened fire and fled away after jumping from the roof. The
informant further alleged that Tuntun Singh and Rajbali Singh
were also standing by the side of the road and they also fled
away opening fire in the air. The occurrence took place at the



instance of Amit Kumar who killed his father on 19.11.2017 and her brother Indrajit Kumar also sustained injury for which Hathidah P.S. case No. 81/2017 was registered. The evidence of her brother was to be recorded in the court of Additional Sessions Judge, Barh on 19.11.2018.

The learned counsel for the petitioner submits that petitioner is not an accused in Hathidah P.S. case No. 81/2017. Three persons are alleged to have scaled over the roof of the informant where her brother was sleeping in the night and they made indiscriminate firing but the deceased got only one fire arm injury. The post mortem report shows that the fire arm injury was received from point blank range and the story of firing as disclosed by the informant is falsified from the post mortem report. It is further submitted that the accused persons are said to have fled away after jumping from the roof but no other person of the vicinity saw the occurrence. The informant did not lodge the case immediately after the occurrence rather she filed written report at 9 AM on the next day. Similarly situated two other accused persons, namely, Raju Kumar and Lalan Kumar, have already been granted bail vide order passed in Cr. Misc. No. 40401 of 2019 and the case of the petitioner stands on the same footing.



The learned APP however opposed the prayer for bail and submitted that informant and her brother supported the case of firing made by the petitioner and two others but two other accused persons, similarly situated, have already been granted bail.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that similarly situated two other accused persons have already been granted bail, the petitioner, above named is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Barh in connection with Hathidah P.S. case No. 88 of 2018.

(Prabhat Kumar Jha, J)

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