

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33069 of 2021

Arising Out of PS. Case No.-125 Year-2020 Thana- KHODAWANDPUR District- Begusarai

Rohit Kumar @ Bachchu @ Buchi Son Of Lakshmi Mahto R/O Village-
Sakrauli, Ward No.-3, P.S.- Cheriabariyapur, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 13-12-2021 Heard learned counsel for the petitioner and Ms.
Meena Singh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Khodawandpur P.S. Case No. 125 of 2020 dated 04.07.2020
instituted for the offences under Sections 401, 414, 353, 307,
332 and 34 of the Indian Penal Code read with Sections 25(1-
b)a, 26(i)(ii), 27 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 05.07.2020 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that he received information
that named accused persons after looting a person from Punjab



and Haryana were fleeing and crossing the area of the informant, it is further alleged that police accordingly reached at the place of occurrence and tried to stop the motorcycle on which the accused were fleeing but the accused dashed the police officers with a view to flee, causing injury to the police officers but also fell and got injured and accordingly one accused was apprehended who disclosed his name as Manish Kumar and the other accused tried to escape by firing but was also apprehended and he disclosed his name as Rohit Kumar (petitioner) and from the possession of the petitioner it is alleged that a loaded *katta* was recovered and on opening the barrel it was found that the cartridge had misfired and Rs. 4,200/- is alleged to have been recovered which was part of the looted money.

Learned counsel for the petitioner submits that from perusal of the allegation it would manifest that against this petitioner it is alleged that from his possession a loaded *katta* was recovered with a misfired cartridge inside the barrel. Further, that Rs. 4,200/- was also recovered which was his money but the police has alleged it to be part of the looted money when the same has not been established in the investigation. Learned counsel further submits that the police



has not recorded the statement of the person of Punjab and Haryana who is alleged to have been looted by these accused persons, further the petitioner has not been put on T.I.P. also.

Smt. Meena Singh, learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the petitioner and the accused person looted the businessman of Punjab and Haryana and they were caught when they were fleeing and from their possession money was recovered which was part of the looted money.

Learned counsel for the petitioner rebutting the submission of learned A.P.P. submits that the F.I.R. does not even disclose that what was the money which was looted from the businessman of Punjab and Haryana. Further, petitioner has been made an accused based on his criminal antecedents as mentioned in paragraph '3' of the bail application.

Considering the fact that the petitioner is in custody since 05.07.2020 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Begusarai in connection with Khodawandpur P.S. Case No. 125



of 2020 subject to the condition as laid down under Section 437
(3) Cr.P.C. with a condition that the petitioner will keep marking
his attendance in the concerned police station in between 20th to
25th of every month commencing from January, 2022 till the
charges are framed and in the event it is reported by the
concerned police station to the learned court below that the
petitioner in between the said dates in any of the month till
framing of charges has not marked his attendance, the court
below shall be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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