

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3562 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- NARAINPUR District- Bhojpur

ROHIT KUMAR SINGH @ ROHIT SINGH, Son of Rajendra Singh
Resident of Village - Narainpur, P.S.- Narainpur, District - Bhojpur
... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ravindra Kumar, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 21-10-2021 Heard learned counsel for the appellant and Mr. Sadanand Paswan, learned Special P.P. for the State.

The sole appellant, in the present case, is seeking regular bail and setting aside the order dated 02.09.2020 passed by learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with SC/ST Case No. 38/2020 arising out of Narayanpur P.S. Case No. 15 of 2020 registered for the offence under Section 302, 34 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(i)(r)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant is in custody since 18.06.2020.

As per the prosecution story, when the informant and her husband were returning on 22.02.2020 at about 3:30 P.M. after closing their egg shop, the co-accused Indramani Singh, this appellant and some others, who were hiding in the lane near



cooperative house, opened 3-4 rounds of firing upon her husband. Her husband received injuries and succumbed to those injuries. The informant claims that she identified two of the assailants who are Indramani Singh and this appellant.

Learned counsel for the appellant submits that it is a case of false implication of the appellant only because this appellant has got some criminal antecedents. It is stated that the appellant had got six criminal antecedents and in all the six cases he is on bail.

Learned counsel submits that in course of investigation police has seized one empty cartridge from the place of occurrence and the post-mortem report shows only one fire-arm injury on the back-side of the head near occipital area. It is, thus, his submission that the allegation that 3-4 rounds were fired upon the husband of the informant is not getting substantiated either from the recovery made from the spot or from the post-mortem report. It is, thus, his submission that the fact that only one fire-arm injury was caused to the husband of the informant and there are allegations that there were four persons who had opened the fire, there is a huge possibility of over implication of the accused. It is, thus, his submission that in the nature of the materials not supporting the allegations



against the appellant and further that in the case diary the witnesses have stated about four persons who were allegedly fleeing away from the place of occurrence, the allegations being vague this appellant deserves privilege of bail.

Mr. Sadanand Paswan, learned Special P.P. for the State has opposed the prayer for bail of the appellant. It is his submission that this appellant has been named one amongst the others who had allegedly opened fire. It is however stated that in the case diary and the post-mortem report shows only one fire-arm injury on the body of the deceased.

Considering the facts and circumstances of the case, though the allegations are serious in nature but the materials placed before this Court are indicating that only one fire-arm injury was caused to the husband of the informant which proved fatal to his life, the allegations are against four persons of opening fire, there being no specific allegation that the shot fired by the appellant proved fatal and further firing of 3-4 rounds of shots on the husband of the informant is not getting corroborated from the materials on the record, this Court sets-aside the impugned order and directs release of the appellant on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each



to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur, Ara, in connection with SC/ST Case No. 38/2020 arising out of Narayanpur P.S. Case No. 15 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

