

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4702 of 2021

Arising Out of PS. Case No.-311 Year-2017 Thana- DAUDNAGAR District- Aurangabad

ROHIT KUMAR @ GUDDU S/o Bindeshwar Singh Resident of Village-
Kusha, P.S.- Obra, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Umesh Nand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-04-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Daudnagar P.S. Case No. 311 of 2017 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, when informant was returning with his father on motorcycle after closing his shop, it is alleged that three persons who were standing on the road were pushed the motorcycle due to which it fell down and thereafter



they looted away one bag containing ornaments and cash.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He is neither named in the F.I.R. nor was apprehended on the spot. He submits that the petitioner's name has been come in this case only on confessional statement made by co-accused persons. He submits that co-accused persons namely Heman Kumar, Dharendra Kumar @ Lallu and Jhunna Singh @ Satish Singh have been granted bail *vide* orders dated 26.03.2018 and 19.02.2019 passed in Cr. Misc. No. 17015 and 16699 of 2018 and Cr. Misc. No. 9872 of 2019 respectively by different co-ordinate benches of this Hon'ble Court. He submits that T.I.P. has not been done till date and charges has already been submitted. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has been languishing in custody since 12.10.2019.

There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional



statement of the aforesaid co-accused persons which has not evidentiary value in the eye of law.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Daudnagar P.S. Case No. 311 of 2017.

(Anjani Kumar Sharan, J)

GAURAV S./-

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