

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36471 of 2021

Arising Out of PS. Case No.-413 Year-2020 Thana- PATNA CITY CHOWK District- Patna

Rohit Kumar @ Golu Son of Amarnath Yadav Resident of Mohalla -
Kathautia Gally, P.S. - Chowk, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-01-2022 Heard learned counsel for the petitioner and Shri
Jharkhandi Upadhyay, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chowk P.S. Case No. 413 of 2020 dated 11.12.02020 instituted
for the offences under Sections 302 and 34 of the Indian Penal
Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 30.01.2021 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that the
informant in the F.I.R alleges that his brother has a betel shop at
Patna City and at about 10.15 pm, the informant heard that his
brother was having quarrel with three unknown persons and in
the meantime one tall accused person who was wearing a white
pant and a red jacket fired at his brother who died. It is further



alleged that the informant on seeing the accused would identify them.

Learned counsel for the petitioner submits that the F.I.R. is against unknown, the informant in the F.I.R. has specifically stated that on seeing the accused persons he would identify them but the police has falsely implicated the petitioner in the present case based on C.C.T.V. footage alleging that this petitioner has been identified by the police spy. Learned counsel further submits that if the petitioner was captured in the C.C.T.V. footage then as to why the said C.C.T.V. footage was not shown to the informant. Learned counsel submits that the C.C.T.V. footage also does not show or capture the petitioner committing the occurrence rather he is merely seen in the C.C.T.V. footage. It is further submitted that based on the C.C.T.V. footage and the identification by the spy, the petitioner was apprehended and even his confessional statement was taken in which he accepted his guilt and even the revolver by which the crime was committed is alleged to have been recovered from his possession. Learned counsel submits that from perusal of the investigation as it has come in the case diary it would manifest that this petitioner was wearing the same dress which he was wearing on the date of occurrence which had come in the C.C.T.V. footage based on which the police spy easily identified the petitioner.



Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the petitioner has been identified by the police spy based on which his confessional statement has been recorded and the revolver by which the crime was committed has also been recovered but is not able to meet the submission of the learned counsel for the petitioner that when the informant himself in the F.I.R. has alleged that he would identify the accused on seeing them then why the C.C.T.V. footage was not shown to the informant for identifying the accused.

Considering the fact that the petitioner is in custody since 30.01.2021, charge-sheet has been submitted in the case and was not put on T.I.P. nor the C.C.T.V. footage was shown to the informant, 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 Sub-Judge-IV-cum-Additional Chief Judicial Magistrate, Civil Court, Patna City in connection with Chowk P.S. Case No. 413 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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