

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28664 of 2022

Arising Out of PS. Case No.-835 Year-2021 Thana- SASARAM NAGAR District- Rohtas

Rohit Kumar @ Rohita Kumar Son of Mahendra Singh Resident of Village-
Belarhi, P.S.- Darigaon O.P., District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Singh, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP
For the Informant	:	Mr.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-09-2022 Heard learned counsel appearing on behalf of the
petitioner, learned APP appearing on behalf of the State and
learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sasaram
Town P.S. Case No. 835 of 2021 registered for the offence under
Sections 302 and 34 of the Indian Penal Code and subsequently,
chargesheet has been submitted under Sections 302, 120B and
34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 31.10.2021.

The allegation against the petitioner is to commit



murder of father of the informant, alongwith other co-accused persons, by using fire arms.

Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence and entire allegation is based upon suspicion, in the background of previous land disputes. It is further submitted that name of the petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Rama Shankar Kumar and also on the basis of mobile tower location, which is very much probable, being the resident of the same locality. It is further submitted that nothing incriminating surfaced/recovered, which may connect the petitioner, *prima facie*, with the present set of occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the occurrence. Learned counsel for the informant submitted that petitioner was implicated in the present case on the basis of mobile tower



location, as same was found near the place of occurrence.

In view of the facts and circumstances, as mentioned above, as informant is not the eye witness of the occurrence, where nothing incriminating surfaced/recovered, which may connect the petitioner, *prima facie*, with the present set of occurrence coupled with the fact that petitioner is a man of clean antecedent, where chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sasaram Town P.S. Case No. 835 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XVIII, Rohtas at Sasaram/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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