

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39968 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- BHAWANIPUR District- Purnia

ROHIT KUMAR Son of Hiralal Mandal Resident of Village - Birsail, P.S.-
Bhawanipur, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-01-2022 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard learned counsel for the petitioner and
learned counsel for the State.

Petitioner seeks bail in connection with Bhawanipur
P.S. Case no. 12 of 2021 registered for the offence
punishable under section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 28.1.2021, is person with clean
antecedent and charge sheet has been submitted. The
informant alleges that his minor son was killed by unknown



criminals. During investigation CDR of deceased mobile was investigated and it came to light that conversation on mobile as detailed in the impugned order was made from mobile of the deceased and the person who made conversation was Rohit Kumar @ Bauka (petitioner) who was arrested and he confessed his guilt and stated that the deceased had illicit relation with his Bhabhi and thus, was killed by him and Kundan. The postmortem report also suggests that death was due to asphyxia. Learned counsel submits that the petitioner is innocent and has been falsely implicated in the present case. He is not known by alias name Bauka rather he is only Rohit Kumar and villager who were on inimical term with him falsely implicated the petitioner in the present case.

Learned APP opposes the prayer for bail.

Considering the facts that petitioner is in jail custody, is person with clean antecedent, charge sheet has been submitted and his name transpired based on CDR investigation of the deceased and he is not known by the name Bauka, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with



two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Purnia in Bhawanipur P.S. Case no. 12 of 2021. Petitioner shall be released after framing of the charge.

(Satyavrat Verma, J)

s.hassan/-

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