

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50270 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

Rohit Kumar @ Rohit Kumar Soni S/o- Satahu Sah @ Sathu Sah R/o Village-
Bara Sumera @ Sumera, Patahi, P.S.- Kudhni (Turki O.P.), District-
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 20-04-2022 Heard counsel for the parties.

The petitioner is in judicial custody in connection with Industrial Area P.S. Case No. 13 of 2021 instituted under sections 302, 201 and 379 of the Indian Penal Code and charge-sheet has been submitted under sections 394, 302 and 201 of the Indian Penal Code.

As per the allegation, the informant's father was coming to Hajipur by train after attending marriage ceremony. He had a telephonic conversation with him where his father informed that he has reached 'Paswan Chowk'. However, thereafter, his father became unreachable and he did not return home in the night. Subsequently, he was informed by the police that an unidentified body was found and after going through the photo of the deceased, the informant recognized him as his



father. FIR was lodged subsequently against unknown persons.

In course of investigation, this petitioner was nabbed and the mobile phone of informant's father was recovered. He made confessional statement that he had purchased this mobile phone from one Md. Naushad and has absolutely no role to play in the killing of the informant's father. He further submits that he does not have any criminal antecedent.

The learned APP after going through the case diary has submitted that this confessional statement of the petitioner is the only material that is available on record.

Taking into account the aforesaid facts as also that the petitioner has no criminal antecedent, (as stated in para-3 of the bail application) and further that he is in jail since 24.3.2021 and charge-sheet has been submitted in the matter, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Industrial Area P.S. Case No. 13 of 2021 subject to the following conditions:-

(i) the learned trial court shall check the criminal antecedent of the petitioner while releasing him on bail and if it is found that he has suppressed the facts and does have criminal antecedent, this bail order shall become infructuous.



(ii) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(iii) he shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iv) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall take steps for cancellation of his bail bonds.

On 30.3.2022 an order was passed for providing case diary and criminal antecedent report of the petitioner. Although, the case diary was made available by the learned court below. The criminal antecedent report was unfortunately not made available which be kept on record.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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