

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71065 of 2021**

Arising Out of PS. Case No.-500 Year-2021 Thana- SAHARSA SADAR District- Saharsa

ROCKY KUMAR DAS S/o Jawahar Das R/o Ward No. 21, Machhali Market,
Gandhi Path, P.S.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh
For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-04-2022 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 307/302 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, FIR named accused persons including the petitioner as well as 8 to 10 unknown accused persons came to the house of the informant and assaulted his brother with lathi, sticks and rod causing his death.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is no eye witness of the occurrence and there is general and omnibus allegation of assault against all the accused persons and no specific overt act has been alleged



against the petitioner. He next submits that on the date of occurrence deceased and co-accused Golu Kumar were caught committing theft in the shop of one Shankar Kumar in which mob assembled there thrashed him and handed over to the police for which Saharsa Police Station Case No. 497/2021 was lodged against the deceased and Golu Kumar. Petitioner is in custody since 1.7.2021.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate Saharsa in Saharsa Police Station Case No. 500 of 2021.

(Prabhat Kumar Singh, J)

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