

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10123 of 2023

Arising Out of PS. Case No.-172 Year-2022 Thana- DESARI District- Vaishali

Rohit Kumar Son Of Sanjay Ray Resident Of Village- Bhairopur, P.S.-
Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 06-11-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 393, 394, 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

It is alleged by the informant that when the
informant and his brother were going to their shop, three
motorcycle borne criminals stopped them, raised their
demand and thereafter shot at the informant's brother
Pankaj Kumar and fled away. The victim was taken to
the hospital but he succumbed to the injuries.



It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The informant in his fardbeyan has not named the petitioner but subsequently in his restatement recorded by the Investigating Officer, he named the petitioner and one Birju. The petitioner and one Sanoj Kumar were put on Test Identification Parade but during the T.I.P, the informant only identified Sanoj Kumar and not identified the petitioner which suggests that petitioner has falsely been implicated in this case. The petitioner is languishing in custody since 28.05.2022. A statement has been made in para 3 of the petition that petitioner is accused in three other cases apart from the present one.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that petitioner is accused in many more cases apart from the cases as mentioned in paragraph No. 3 of the petition.



It appears that vide order dated 18.07.2023, the criminal antecedent of the petitioner was called for from the Court below and thereafter a reminder was also sent vide order dated 21.09.2023 for sending the criminal antecedent report of the petitioner. The office note dated 01.11.2023 suggests that the same has still not been sent to this Court which suggests the manner in which how the Courts below are taking casually the orders of this Court.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IX, Vaishali in connection with Desri (Sahdeyee) P.S. Case No. 172 of 2022.

The Court below is directed to verify the criminal antecedents of the petitioner and if the petitioner was found involved in other cases apart from



the cases as mentioned in paragraph No. 3 of the
petition, the bail bonds of the petitioner shall not be
accepted by the Court below.

(Sunil Kumar Panwar, J)

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