

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11915 of 2023**

Arising Out of PS. Case No.-511 Year-2022 Thana- GAYA KOTWALI District- Gaya

ROHIT KUMAR S/o Indradev Choudhary R/o Village- Rupaspur, P.S.-
Buniyadganj, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 07-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
15.11.2022 in connection with Kotwali P.S. Case No.511/2022,
dated 18.08.2022, for the offences punishable under Sections
302, 147, 148, 149 of the IPC.

According to prosecution case, the petitioner along
with other co-accused persons named in the F.I.R. have killed
the son of the informant.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. The
name of the petitioner has been transpired during investigation
on the basis of the statement of the informant recorded under



Section 161 Cr.P.C. He further submits that there is specific case of the informant that named F.I.R. accused persons have killed the son of the informant and there is no allegation of any assault or overt act is attributed against the petitioner in 161 Cr.P.C. statement of the informant and one co-accused, namely, Abhishek Kumar, who is named in the F.I.R. against whom there is allegation that he along with other co-accused persons excluding the petitioner have killed the son of the informant has been granted bail by a co-ordinate Bench of this Court vide order dated 09.05.2023 passed in Cr. Misc. No. 8590/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.11.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried five criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the five cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned C.J.M.,
Gaya in connection with Kotwali P.S. Case No.511/2022,
subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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