

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19345 of 2023

Arising Out of PS. Case No.-881 Year-2021 Thana- NAGAR District- Vaishali

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Rohit Kumar @ Rohit Kanshkar Son Of Munna Lal Chaudhary @ Munna Prasad Chaudhary Resident Of Mohalla - Hasan Khan Katara, Ward No. 13, P.S. - Hajipur Town, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawaz Shareef, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Hajipur Town P.S. Case No. 881 of 2021 registered on 03.11.2021 for the alleged offences under Sections 394, 302, 396 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, four persons demanded money from the husband of the informant while he was entering his house and on refusal they fired upon him. The husband of the informant succumbed to the injury during treatment. The



name of the petitioner sprang up during investigation as one of the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and his name sprang up in this case on the basis of confessional statement of co-accused Rohit Kumar @ Anki and other co-accused persons. Even in the confessional statement only allegation against the petitioner is that he provided arms to the co-accused persons whereas allegation of firing is against Rohit Kumar @ Anki and Rahul Kumar Sah @ Kallu and both have been granted bail. Rohit Kumar @ Anki has been granted bail by the learned court below whereas Rahul Kumar Sah @ Kallu has been granted bail by Co-ordinate Bench vide order dated 16.01.2023 passed in Cr. Misc. No. 21863 of 2022. Other co-accused persons namely, Amit Kumar @ Vishal @ Baba, Krish Raj and Kundan Kumar have been granted bail by Co-ordinate Benches vide orders dated 08.07.2022 and 16.01.2023 passed in Cr. Misc. Nos. 13095 of 2022, 20744 of 2022 and 40585 of 2022 respectively. The petitioner is in custody since 08.12.2022 and charge sheet has been submitted. The petitioner has got no criminal history.



5. Learned APP opposes the prayer for bail submitting that the petitioner provided arms to the co-accused persons who while committing robbery killed the husband of the informant.

6. Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the lack of any substantive material against the petitioner and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Vaishali at Hajipur/concerned court in connection with Sessions Trial No. 231 of 2022, arising out of Hajipur Town P.S. Case No. 881 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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