

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22376 of 2022

Arising Out of PS. Case No.-2 Year-2020 Thana- LAUKAHI District- Madhubani

Rohit Sah @ Rohit Kumar Sah, S/o Arun Sah, R/o Village- Kakardove, P.S.-
Laukahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with S.Tr. No.44 of 2021 arising out of Laukahi P.S. Case No.02 of 2020 registered for the offence punishable under Sections 364, 302, 201, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner is that he along with co-accused Raju Mandal has taken the son of the informant from his house for picnic. Thereafter, the informant was informed by petitioner's brother on phone that the petitioner shot dead his son and threw his dead body in the Kosi river.

Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence has taken place on 01.01.2020 and the FIR was lodged after a lapse



of two days on 03.01.2020. The petitioner is in custody since 18.01.2020 on his surrender. The manner of petitioner's implication based on alleged intimation from his own brother casts a great shadow of suspicion on the prosecution case. There is no eye-witness to the occurrence and his confessional statement made before the police has got no evidentiary value. Prayer for bail is also made on the ground of parity with co-accused Raju Mandal, who has been extended the privilege of bail in Cr.Misc. No.6302 of 2022. It is submitted that the petitioner has been made accused in three more cases, in which he is on bail.

Learned APP for the State has opposed the prayer for bail. Drawing the attention of this Court towards paragraphs 2, 7, 8 and 26 of the case diary, he submits that the petitioner is directly involved in the killing. However, he is unable to distinguish the case of co-accused Raju Mandal to that of the present petitioner.

Considering the rival submissions based on parity with similarly situated co-accused as also the facts and circumstances of petitioner's implication in the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 court of learned Sessions Judge, Madhubani, Circuit Court, Jhanjharpur, District-



Madhubani, in connection with S.Tr. No.44 of 2021 arising out of
Laukahi P.S. Case No.02 of 2020, subject to the following
conditions:

(i) That one of the bailors
will be a close relative of the petitioner
who will give an affidavit giving
genealogy as to how he is related with
the petitioner. The bailor will also
undertake to inform the court if there is
any change in the address of the
petitioner.

(ii) That the petitioner will
be well represented on each date and if
he fails to do so on two consecutive
dates, his bail bond will be liable to be
cancelled.

This Court would expect that the petitioner's counsel
would honour his undertaking in the instant proceedings regarding
supply of the requisite court fee etc. within two weeks from the date
he is called upon to do so by the office.

(Madhuresh Prasad, J)

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