

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23171 of 2023**

Arising Out of PS. Case No.-81 Year-2022 Thana- KHODAWANDPUR District- Begusarai

ROHIT KUMAR @ BUCHI S/O LAXMI MAHTO R/O Village- Sakrauli,
P.S- Cheriabariyarpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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

3 18-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 17.07.2022 in connection with S.Tr.No.912 of 2022 arising out of Khodawandpur P.S.Case No.81 of 2022, F.I.R. dated 11.04.2022 registered for the offence punishable under Sections 395,397,307,326 of IPC and Section 27 of the Arms Act.

3. According to prosecution case, in the F.I.R. the allegation of dacoity is there against 7 unknown accused persons. The allegation of firing by which injury took place are there in the F.I.R.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Petitioner is not named in the



FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Kundan Kumar. Further submits that nothing has been recovered from conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution and except the confessional statement of the co-accused person, no cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.07.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 learned Additional Sessions Judge-II, Begusarai in connection with S.Tr.No.912 of 2022 arising out of Khodawandpur P.S.Case No.81 of 2022, with the following



conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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