

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47630 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- BIKRAMGANJ District- Rohtas

ROCKY KUMAR @ ROHIT KUMAR S/o Angad Prasad R/o village-
Didikhili, P.S.- Durgawati, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Bikramganj P.S. Case No. 07 of 2022 for the offence registered under Sections 307, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, in brief, according to the informant, is that on 06.01.2022 at about 7:30 P.M. while the informant was at his house, his deceased friend Rahul @ Banti had called him, whereafter the informant had gone to the house of his deceased friend and on way the co-accused persons, namely, Nitish and the



petitioner had met him, thereafter all the four persons including the petitioner herein had gone to the house of the deceased and then the petitioner and one another co-accused person, namely, Nitish had brought *Lassi* and all of them had consumed the same whereafter, they had slept at around 10:00 in the night. It is further alleged that at about 12:30 A.M. in the night, when the informant woke, he saw blood on his face as also blood oozing out of the head of the deceased namely Rahul @ Banti and he found that the said Rahul Kumar had been shot on the head by fire arm, resulting in his death, however, he had taken him to Hospital in an ambulance. It is also alleged that the petitioner and the co-accused person, namely, Nitish Kumar had killed the deceased.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 09.01.2022. It is further submitted that though the petitioner is an accused in one another case but he is on bail in



the said case. Lastly, it is submitted that there is no eye witness to the alleged occurrence and merely on suspicion, the petitioner has been roped in the present case.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail and has submitted that the accused persons have confessed their guilt and upon the petitioner and the co-accused person, namely, Nitish Kumar having indicated about the place where the weapon used for killing the deceased, had been hidden, the same was recovered by the police. It is also submitted that ample materials have come on record to show that the co-accused person, namely Prince Kumar had engaged the petitioner and one Nitish Kumar for killing the informant, however, though the informant escaped with some injuries but his friend Rahul Kumar was killed by the petitioner and the said Nitish Kumar.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner as also those made by the Ld. A.P.P. for the State and taking into account the materials available on record apart from having considered the materials available in the case diary, this Court finds that the complicity of the petitioner in the alleged occurrence is writ large, hence I do not find any merit in the present petition, accordingly, the same stands dismissed.

(Mohit Kumar Shah, J)

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