

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54678 of 2022

Arising Out of PS. Case No.-623 Year-2021 Thana- NAUBATPUR District- Patna

Rohit Kumar S/O Rakesh Kumar Sinha Resident Of North Patel Nagar, Near
Gokul Path, P.O.- Keshri Nagar, P.S.- Patliputra, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Gyan Prakash, Advocate
For the Informant/s	:	Mr. Rabindra Priyadarshi, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 17-02-2023 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

Petitioner seeks regular bail in connection with
Naubatpur P.S. Case No. 623 of 2021 registered for the offences
punishable under Sections 302, 201, 120(B)/34 of the Indian
Penal Code and Section 27 of Arms Act.

As per the prosecution, the informant's wife was
murdered by some unknown persons and thereafter her dead
body was recovered by the police.

The main submissions advanced by learned Senior
counsel Mr. Yogesh Chandra Verma, appearing for the petitioner
are that the petitioner is not named in the FIR, in the FIR there
is no whisper about the involvement of the petitioner in the



alleged crime of murder, the petitioner's role in the alleged crime surfaced in the statements of co-accused persons namely, Kamal Kumar, Rahul Kumar, Pawan Kumar and Suraj Kumar but except this there is no any other material to connect the petitioner to the alleged crime of murder and there is no direct or indirect evidence against him. Further submission is that the petitioner has been languishing in jail since 27.11.2021 and the deceased lady was carrying on several business activities and had relation with several persons and her husband lives in other state and she had no good relation with her husband. Further submission is that the four co-accused persons have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. Nos. 42690 of 2022, 42791 of 2022, 40602 of 2022 and 42096 of 2022.

Learned counsel Mr. Rabindra Priyadarshi, appearing for the informant has vehemently opposed the prayer for bail and submitted that the petitioner was mastermind of the alleged crime of murder and during investigation the CCTV camera installed near victim's *Beauty Parlour* was examined and on that basis activity of this petitioner with the victim was found and the petitioner was identified by victim's son and in this regard his statement was also recorded. Further submission is



that during investigation, co-accused persons namely, Ranjeet Kumar made confessional statement and revealed the role of the petitioner being main conspirator and having played the main role in the alleged crime and thereafter in following with the statement of said co-accused recovery of incriminating materials including the money which was given by this petitioner to the said co-accused was done and the mobile phone which was used by the accused persons at the relevant time were also recovered. Further submission is that the trial of the petitioner is at advance stage and all the prosecution witnesses have been examined and argument is to be started very soon.

Heard both the sides and perused the FIR and the case diary of this case. As per the prosecution's allegation, the present petitioner appears to be main accused of the instant case and according to the prosecution he had some monetary transactions with the deceased and after having arisen some dispute between him and the deceased, he hired the co-accused persons and took the victim to the scheduled place and thereafter in following with his instruction all the co-accused persons including the petitioner killed the victim by using firearms. As per paragraph No. 18 to 20 of the case diary the petitioner's activity, just before the happening of the alleged



crime, with the victim was found and the petitioner’s trial is at advance stage. In view of the nature of allegation appearing against the petitioner, his case does not appear to be on similar footing with co-accused persons of this case who are on bail, hence in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, petitioner’s prayer for bail stands rejected.

The petitioner may renew his prayer for bail after six months, if any significant progress is not made in his trial by the Trial Court.

(Shailendra Singh, J.)

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