

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64592 of 2022

Arising Out of PS. Case No.-173 Year-2022 Thana- PATNA CITY CHOWK District- Patna

ROHIT KUMAR @ KALU @ SP S/O SRI PRAMOD PRASAD @
PRAMOD RAM Resident of village- Bena, P.O. and P.S.- Bena, District-
Nalanda (bihar), Presently residing at Bara Gali, Behind Gurudwara, P.S.-
Chowk District- Patna. (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71171 of 2022

Arising Out of PS. Case No.-173 Year-2022 Thana- PATNA CITY CHOWK District- Patna

ROHIT KUMAR @ GUNGA Son of Kanhai Prasad @ Kanhaiya Prasad R/o-
Kachauri Gali, Dira Par, P.S.- Chowk, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64592 of 2022)

For the Petitioner/s : Mr.Saket Gupta

For the Opposite Party/s : Mr.Sanjay Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 71171 of 2022)

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in a case
registered for the offence punishable under sections 302, 201, 34
of the Indian Penal Code and section 27 of the Arms Act.



As per allegation in the FIR, FIR named accused persons surrounded the informant's son and co-accused Chintu brought magazine and handed it over to co-accused Rohan Kumar, who loaded magazine in the pistol and shot fire upon informant's son. Son of the informant, namely, Md. Sameer was brought to NMCH, where he was declared dead by the doctors.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. Specific allegation of opening fire is against co-accused Rohan Kumar and not against the petitioners. From CCTV footage, investigating officer has not found any involvement of the petitioners in the alleged incident. Rather, I.O. has forcefully taken their signature on blank paper and the same was later on converted into self confessional statements. This is a case of accidental firing while the co-accused Rohan Kumar was showing his pistol to his friends. Petitioners are languishing in judicial custody for about a year.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named



petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Patna City in connection with Sessions Case No. 1029 of 202 arising out of Patna City Chowk P.S. 173 of 2022.

(Sunil Kumar Panwar, J)

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