

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.375 of 2023

Arising Out of PS. Case No.-452 Year-2021 Thana- ALAMGANJ District- Patna

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ROHIT KUMAR @ BENGBA SON OF SANJAY SAHNI R/O VILLAGE-
ALAMGANJ CHOCKI (NANI ARTI DEVI KE MAKAN) (KEDARNATH
MATH), P.S.- ALAMGANJ, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar

For the Opposite Party/s : Mr.Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 19-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is a case of commission of murder of the informant's brother by opening fire by the accused persons along with the petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Neither he is named in the F.I.R. nor put on T.I.P. His name has come into light during investigation only on the basis



of confessional statement of co-accused Md. Saddam and Md. Raja @ Langra, which has no evidentiary value in the eye of law. There is no specific allegation against the petitioner. Nothing incriminating article has been recovered from his conscious possession. Save and except the confessional statement of co-accused no consistent evidence has come to show his complicity in the alleged occurrence. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The other co-accused Md. Raja @ Langra who is named in the F.I.R., has already been granted bail by another co-ordinate Bench of this Court vide order dated 29.09.2022 passed in Cr. Misc. No. 37442 of 2022 which is annexed at Annexure-2 to this petition. Petitioner is languishing in judicial custody since 02.08.2021.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed**. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two



sureties of the like amount each to the satisfaction of the learned
Court of Judicial Magistrate 1st Class, Patna City in connection
with Alamganj P.S. Case No. 452 of 2021.

(Sunil Kumar Panwar, J)

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