

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72139 of 2022

Arising Out of PS. Case No.-120 Year-2020 Thana- CHAUSA District- Madhepura

Rocky Kumar @ Munna Singh @ Rocky Kumar Singh @ Rocky Singh S/O
Sri Ashok Singh @ Prakash Singh R/O Village-Piparpatti, P.S.- Pasraha,
Distt- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chausa
P.S. Case No. 120 of 2020 registered for the offence under Sec-
tions 302, 120(B) and 34 of the Indian Penal Code and 27 of the
Arms Act.

The accused/petitioner is not named in the F.I.R.
and is in custody since 26.06.2022.

The allegation against the petitioner is to commit
murder of brother of informant alongwith other named co-ac-
cused persons by causing fire arm injuries due to local dispute



and differences.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, where no incriminating material recovered/surfaced during the course of investigation to connect petitioner, *prima facie*, with the present occurrence. It is further submitted that name co-accused person, who alleged to fire upon the brother of informant causing his death, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 19109 of 2021 vide order dated 17.09.2021. It is also submitted that trial is not likely to conclude in near future. While concluding the argument, it has been submitted that as petitioner found involved in two more criminal cases, his name surfaced in present case also without having any connecting evidence and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded the fact that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as no incriminating material recorded/surfaced, which may connect petitioner, *prima facie*, with the present occur-



rence, where allegation to cause fatal assault is available against other co-accused persons, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chausa P.S. Case No. 120 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Udakishunganj, District- Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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