

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19688 of 2024**

Arising Out of PS. Case No.-54 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Rocky Sagar @ Umar Tabrez S/o Md. Hannan @ Hanno @ Wasim Akram  
R/o Saharsa Basti Ward no. 39, Saharsa P.S. and Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

4      23-08-2024

Heard the parties.

The petitioner is in custody in connection with ST No. 207 of 2023/ 236 of 23 arising out of P.S. Case No. 54 of 2023 for the offence punishable under sections 341, 323, 307, 326, 504, 34 of IPC as well as U/S 27 of the Arms Act of the Indian Penal Code lodged on 27.01.2023 by the informant, Gautam Patel.

The brief fact of the prosecution is that on 24.01.2023, Vishwajit Kumar, the elder son of the informant went to M.L.T. College, Saharsa to inquire about enrollment in B.C.A. Ist session. While returning, at about 11:30 a.m. (day) when he reached near roundabout in front of the college office, he saw that Anand Kumar, friend of Vishwajit Kumar, Rocky Sagar, Mo Sakil, Jeevan and 5-6 unknown persons are abusing and fighting



together near Chandan Kumar's lawyer's house. Seeing this, when the informant's son Vishwajit Kumar went to save his friend Anand Kumar, the above people started abusing him too. When the informant's son confronted, Rocky Sagar fired at the informant's son which hit on the right side of his stomach. He fell down there bleeding started and all the above people ran away from there threatening to kill him. He was admitted to Dr. Ranjesh Kumar Singh's hospital at Gayatri Nursing Home, where he was treated. Accordingly, the F.I.R.

Learned Senior Counsel submits that taking into account the allegation that has come against the petitioner, earlier his bail application was rejected on 07.07.2023 (Annexure-1 to the petition) and as such he has remained in custody for more than one and half year, to be precise from 09.02.2023 (para 8 of the petition).

Learned APP opposes the prayer for bail submitting that he opened fire causing injury in the abdomen of the victim.

Allegation is there, so is the FIR, cognizance has been taken and as per the report submitted by the learned Additional District and Session Judge IV, Saharsa vide letter no. 5 dated 02.07.2024, out of 7.... a witness, one has been examined and ....



Taking into account the aforesaid facts as also his period of custody (09.02.2023), an undertaking has been given that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge I Saharsa, in connection with Saharsa Sadar P.S. Case No. 54 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for  
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any  
criminal offence again, failing which the State shall be at liberty  
to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

Vijay Singh/-

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