

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25095 of 2024

Arising Out of PS. Case No.-163 Year-2022 Thana- KASIMBAZAR District- Munger

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ROHIT KUMAR S/O BIRBAL THAKUR @ BIRBAL R/O MOHALLA-
GHOSHI TOLA, P.S- KASIM BAZAR, DISTT.- MUNGER.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Session Trial No. 159 of 2023 (arising out of Kasim Bazar Case No. 163/2022 registered under Sections 385, 387, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 18.06.2022 by the informant, Veena Devi.

3. The prosecution case, in brief, is that the informant, Vina Devi in her fardbayan at Sadar Hospital, Munger before the Officer-in-charge of Kasim Bazar Police Station on 17.06.2022 at 21.45 hrs stated that when she was standing outside of her Kirana Shop, at that time, co-accuseds, Rohit Kumar, Anant Mandal and Gappu reached at her shop and asked to give a water bottle. Thereafter her son provided water



bottle and demanded Rs. 20 after which by the order of accuseds, namely, Askash Kumar and Harshvardhan, Rohit, Anant and Gappu opened fired upon her son as the informant hide herself under the counter after hearing the sound of fire. Thereafter, her husband came to the shop on hearing the sound of fire but he too was also assaulted. Thereafter, they were brought to Sadar Hospital Munger from where they were refereed for better treatment. Accordingly, the FIR.

4. The allegation in the FIR is that for a petty matter, the informant's son demanding Rs. 20/- for a water bottle the petitioner and the other accused persons opened fire, the informant saved herself, while her husband came out and suffered injury.

5. Earlier prayer for bail of the petitioner was rejected vide order dated 10.05.2023 passed in Cr. Misc. No. 11248 of 2023.

6. Learned counsel for the petitioner submits that the allegation is against other accused persons including this petitioner of opening fire, the same is not specific in nature and he has already suffered by remaining in custody since 12.07.2022 (as stated in paragraph-9 of the petition).

7. Though, he concede that he has criminal antecedent



but if granted bail, he will be diligently appearing in the trial.

8. Learned APP for the State opposes the prayer for bail stating that he also opened fire and further has criminal antecedent.

9. Though there is allegation against him of opening fire as also has criminal antecedent, taking into account his period of custody as also that there is allegation of fire beside other persons also, this Court is inclined to grant him privilege of bail.

10. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J. -II, Munger in connection with Sessions Trial No. 159/2023 (arising out of Kasim Bazar P.S. Case No. 163/2022 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/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

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