

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61506 of 2024

Arising Out of PS. Case No.-261 Year-2024 Thana- SAKRA District- Muzaffarpur

Rohit Kumar Son of Vijay Singh @ Vijay Mahato Resident of village -
Sujawalpur @ Sulavalpur, P.S.- Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-11-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sakra
P.S. Case No. 261 of 2024 instituted for the offences under
Sections 399, 402, 411, 412, 414 of the Indian Penal Code and
Section 25(1-B)/a/26/35 of the Arms Act.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence. On
seeing the police party, the accused persons tried to flee away
but, all the four miscreants were apprehended. On search,
number of arms and ammunition were recovered from their
possession and the police also recovered some mobiles and cash
of Rs. 2,50,000/-. On query, they disclosed that the cash of Rs.



15,00,000/- and a red colour motorcycle were looted out by them and, thereafter, they distributed Rs. 12,50,000/- among themselves and they were assembled at the place of occurrence to distribute the rest of the amount of Rs. 2,50,000/-.

4. It is alleged that one loaded country-made pistol and a mobile with SIM were recovered from the possession of the petitioner. Cash of Rs. 2,50,000/- was also recovered from the possession of the accused persons including the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to dirty village politics. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather his signature was taken on the blank paper which was used as a seizure list. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 14.05.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner,



stating that the petitioner is named in the F.I.R. and was caught on the spot. Several witnesses have also supported the prosecution case. The police has recovered one country-made pistol from his possession.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sakra P.S. Case No. 261 of 2024.

(Rudra Prakash Mishra, J)

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