

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66101 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- MOKAMAH District- Patna

1. ROHIT KUMAR S/o- MUNNA SINGH Mohalla- Shakarwar Tola W.No-16, Ps- Mokama Dist- Patna
2. Mikki Kumar @ Prakash Kumar son of Chandrachur Prasad Singh Mohalla- Moldiyar Tola Ps- Mokama Dist- Patna
3. Saksham Kumar @ Saksham Kishore son of Mayank Singh Mohalla- Moldiyar Tola Ps- Mokama Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Adv.
For the Opposite Party/s : Mr.Mohammed Arif, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 341, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution story, in brief, is that the informant was allegedly abducted by the petitioners, he was taken near the bank of river Ganga and was assaulted by butt of pistol.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no



offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is previous enmity between the parties. Similarly situated co-accused, namely, Prakash Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dated 07.11.2023 passed in Cr. Misc. No. 68440 of 2023. Petitioner nos. 1 & 2 have five criminal antecedents, whereas petitioner no.3 has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the similarly situated co-accused has been granted anticipatory bail, let the above named petitioner nos. 2 & 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Mokama P.S. Case No. 198 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



7. However, petitioner no.1 has one criminal antecedent of similar nature as of the present case, I am not inclined to enlarge him on bail. The prayer for bail of the petitioner no.1 is hereby rejected.

8. Accordingly, the application stands partly allowed.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

