

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71053 of 2024

Arising Out of PS. Case No.-495 Year-2021 Thana- BYPASS District- Patna

Rohit Kumar @ Golu Son of Amarnath Yadav, Resident of Kathotiya Gali,
P.S.- Chowk, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2024 Heard Mr. Anil Kumar, the learned counsel for the

petitioner and Mr. Dinesh Singh, the learned Additional Public

Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
03.01.2024, in connection with G.R. No. 4936 of 2021, arising
out of Bypass P.S. Case No. 495 of 2021, FIR dated 18.12.2021,
registered for the offences punishable under Section 302 read
with Section 34 of the Indian Penal Code and under Section 27
of Arms Act.

3. According to the prosecution case, the informant
was going to her *sasural* along with her relatives on a vehicle
and her vehicle stopped at Pahari More due to traffic jam,
meanwhile, two miscreants came there and started
indiscriminate firing due to which Abhishek Kumar Verma @



Mastu and Sunil Kumar received gun shot injury and later they succumbed to their injuries.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR and name of petitioner transpired during investigation on the basis of confessional statement of the co-accused person namely, Monu Patel and he has stated that petitioner is one of the conspirators in the present occurrence. He further submits that petitioner was in judicial custody on the date of occurrence, i.e. on 18.12.2021 with respect to Chowk P.S. Case No. 413 of 2020 and petitioner has been granted regular bail by a co-ordinate Bench of this Court vide order dated 03.01.2022 passed in Cr. Misc. No. 36471 of 2021, which suggests that on the date of occurrence, the petitioner was in judicial custody. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 03.01.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries seven criminal antecedents other than the present, but fairly admits that out of seven cases, petitioner is on bail in six cases.



6. Considering the aforesaid facts and circumstances and mainly the fact that petitioner was in judicial custody on the date of occurrence, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-VI-cum-Additional Chief Judicial Magistrate-VI, Patna City, in connection with **Bypass P.S. Case No. 495 of 2021**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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