

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85633 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- KOPA District- Saran

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ROHIT PRASAD @ ROHIT RAJ S/O ANDHAN PRASAD R/O VILLAGE-
SAMHAUTA MATHIA @ SAMHOTA, P.S- KOPA, DISTT- SARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghwendra Pratap Singh

For the Opposite Party/s : Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kopa
P.S. Case No. 121 of 2022 registered for the offences punishable
under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the IPC.

3. As per prosecution case, petitioner and 15 others
armed with knife, farsa, danda, and *gupti* are said to have surrounded
the informant's son and started abusing him and when same was
protested, the co-accused Arun Prasad caught the hand of informant's
son and it is alleged that co-accused, Amarnath Prasad with intention
to kill, gave knife blow upon the left side of his chest as a result of
which bleeding started and he fell on the ground after sustaining
severe injury. It is further alleged on raising alarm several persons
came for rescue and they were also assaulted by all the accused
persons. It is further alleged that all sustained injury and all were sent



to Sadar hospital and in the way informant's son died.

4. Learned counsel for the petitioner submits that petitioner is in custody since 08.07.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that there is specific allegation against the co-accused, Amarnath Prasad ,who is said to have given knife blow on the left chest of the victim and the postmortem report indicates two external injuries upon the victim. He further submits that petitioner is merely a member of mob, as per verbatim of FIR. The allegation against the petitioner is general and omnibus in nature. In this way, prudently and pragmatically, it cannot be imputed that petitioner is in any way connected with the alleged occurrence. He further submits that co-accused Pradeep Prasad, Amit Prasad and Chandan Prasad have already been granted bail vide Cr. Misc. No. 67735 of 2022 by the co-ordinate Bench of this Court and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on



behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran Chapra in connection with Kopa P.S. Case No. 121 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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