

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9314 of 2024

Arising Out of PS. Case No.-37 Year-2023 Thana- NARAINPUR District- Bhojpur

=====

Rohit Kumar @ Rohit singh @ Rohit Kumar Singh (Mohit Kumar Singh wrongly typed) S/o Rajendra Singh R/o- Village- Narayanpur, P.S.- Narayanpur, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Narayanpur P.S. Case No. 37 of 2023 dated 02.04.2023 instituted for the offence punishable under Sections 307, 326/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on 02.04.2023 in the evening, when the informant and others were sitting at the house of Jata Pandey @ Ramshankar Pandey, then three unknown persons, who were coming by a motorcycle from Narayanpur market, started firing indiscriminately upon them. In this incident, the informant received three bullet hit on his body, due to which he injured badly.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that First Informant Report has been lodged against three unknown accused persons. During the investigation, two persons, namely, Suraj Kumar Singh and Aakash Singh were arrested, who disclosed the name of the petitioner. Learned counsel for the petitioner submits that the petitioner has been made accused in this case only on the basis of confessional statement of the said arrested persons. Co-accused Suraj Kumar Singh reveals in his confessional statement that Rohit Singh(petitioner) has also fired upon Jata Pandey, where the informant was present. Learned counsel for petitioner submits that except confessional statement, nothing has been come against the petitioner. Only on the basis of criminal antecedents of the petitioner, he has been made in this case. Lastly, it has been submitted that petitioner has 11 criminal cases against them, in which he has granted bail in all cases.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of



six weeks from today, in connection with Narayanpur P.S. Case No. 37 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Bhojpur at Ara subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailors shall also state on affidavit that they will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



IV. 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.

(Khatim Reza, J)

premchand/-

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

