

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2853 of 2025

Arising Out of PS. Case No.-320 Year-2024 Thana- DESARI District- Vaishali

Rohit Kumar @ Bauaa, S/o Nawal Kishore Singh Resident of Village-
Rampur Madhual, P.S.- Desari, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C Verma, Sr. Advocate

Ms. Priyanka Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-04-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Desari P.S Case no.320 of 2024 registered under sections 103(1), 238 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant states that her son who had gone to attend the *chhathi* ceremony did not return. On asking the petitioner herein, he did not give any information. It is stated that at 4 a.m, her daughter-in-law discovered his dead body by the side of the tree.

4. Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case. The prosecution is mainly relying on the alleged confessional statement of the petitioner, even according to



which the assault with a *lathi* on the deceased was given by the co-accused Uttam Kumar. So far as the allegation of pressing the neck etc are concerned, the same is not supported from the contents of the postmortem report. There is no eye witness to the occurrence. The petitioner is in custody since 16.9.2024 and chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, the contents of the confessional statement of this petitioner made before police together with the contents of the postmortem report, the petitioner having remained in custody for about 7 months since 16.9.2024 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Desari P.S Case no.320 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-XI, Vaishali at Hajipur.

(Partha Sarthy, J)

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