

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16605 of 2025

Arising Out of PS. Case No.-89 Year-2023 Thana- KHAGARIA District- Khagaria

Rohit Kumar @ D.J. Son of Tejo Mahto village- Bhagat tola, Mathurapur, ps
and Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Sections
394 of the Indian Penal Code and 27 of Arms act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and from perusal of the
allegation as alleged in FIR it would manifest the informant
alleges that while he was returning back with his friend at 2:00
A.M. in the morning when he was intercepted by three accused
persons on an Apache motorcycle and one of the accused fired
causing fire-arm injury to him. It is next alleged that informant
had recognized the three accused who committed the
occurrence.

4. The learned counsel for the petitioner submits that
the FIR was lodged against unknown and police during course



of investigation apprehended three accused persons who are put on T.I.P. and the informant identified all the three persons who committed the occurrence. The learned counsel for the petitioner further submits that since only three accused persons had committed the occurrence who were apprehended as such the petitioner had not participated in the occurrence but when his name in the instant case transpired when the accused persons of Alauli P.S. Case No. 35/2023 in their confessional statement confessed that they purchased 'smack' from the petitioner. The learned counsel for the petitioner next submits that petitioner is not made an accused in Alauli P.S. Case No. 35/2023 but then has made an accused in the instant case. It is further submitted that it absolutely does not stand to reason that when the informant of the present case specifically alleged that only three persons have committed the occurrence and all the three were identified by him then on what basis the petitioner in the instant case has been implicated.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on



provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Khagaria P. S. Case No. 89/2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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