

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74257 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- SAKRA District- Muzaffarpur

Rohit Kumar Son of Vijay Singh @ Vijay Mahato Resident of Village -
Sujawalpur @ Sulavalpur, P.S. - Sakra, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 07-02-2025 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Sakra P.S.
Case No. 231 of 2024 registered for the offences under
Sections 397, 34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. The petitioner is not named in the First Information
Report and is in custody since 06.07.2024.

4. Allegation against the petitioner and other co-
accused persons is to snatch the motorcycle of the informant as
also taken away cash of Rs. 15 Lakhs and fled away. It is
alleged that during the occurrence, petitioner fired from his
pistol, which hit to the informant.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that name of the petitioner has transpired during the course of investigation on the basis of confessional statement of co-accused Raja Kumar. It is submitted that upon physical search, a country made pistol was alleged to be recovered from possession of this petitioner, which was in connection with Sakra P.S. Case No. 261/2024, where petitioner is on bail.

6. Taking note of aforesaid fact, it is submitted by learned counsel that the observation of sessions judge through impugned order that recovery of bullet, cash and arms were made from possession of this petitioner, which was in connection with present case, is appearing either wrong observation or may be out of typographical error. It is further submitted that petitioner was not put on Test Identification Parade (in short the 'T.I.P.') as yet.

7. While concluding argument, it is submitted that investigation of this case is completed and charge-sheet has already been submitted and, as such, there is no chance of tampering with the evidence and, moreover, petitioner found involved in four more criminal cases, where he is on bail. It is submitted that in maximum of the cases, name of the petitioner



transpired on the basis of confessional statement of co-accused as of present case having no evidentiary value under the law.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. In view of aforesaid facts and circumstances and by taking note of the fact as *prima-facie* except fire-arms, nothing appears to be recovered from the possession of this petitioner as per para 45 of the case diary, coupled with the fact that petitioner is in custody since 06.07.2024, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M – 15th (East) Muzaffarpur/concerned court, in connection with Sakra P.S. Case No. 231 of 2024, subject to the condition as laid down under Section 437 (3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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

