

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71405 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- SUGAULI District- East Champaran

Rohit Kumar S/O- Tufani Choudhary R/o Village- Chhota Bangra, Nonia
Tola, PS- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Ajeet Kumar, 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 Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in F.I.R. and

apprehending his arrest in connection with Sugauli P.S. Case

No. 06 of 2024, registered for the offences punishable under

Sections 363, 364, 366, 302, 323, 504, 120B/34 of the

Indian Penal Code.

3.The allegation against the petitioner is to commit

kidnapping and murder of niece of the informant (sister's

daughter) alongwith other co-accused persons/family

members. Alleged kidnapping was said to be committed for



the purpose of marriage.

4. Learned counsel appearing on behalf of the petitioner submitted that save and except suspicion, nothing survives against this petitioner, who is a man of clean antecedent. It is pointed out that the autopsy report of the deceased not showing any physical injury and only one ligature mark was found, where cause of death was specifically mentioned as “asphyxia due to hanging.” It is submitted that dead body was recovered from an open field of mango orchard, accessible by general public. It is pointed out that the face of FIR not suggesting that act of petitioner was so direct or active which forced the niece of the informant to commit suicide without leaving no other option. In support of his submission, learned counsel relied upon the legal report of Hon’ble Supreme Court as available through **2016 SCC onLine SC 1415** in the matter of **Gurcharan Singh Vs. State of Punjab**.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as save and except



suspicion, nothing *prima facie* appears incriminating against this petitioner, who is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran/concerned Court, where the case is pending in connection with Sugauli P.S. Case No. 06 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

7. The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

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