

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74795 of 2025

Arising Out of PS. Case No.-200 Year-2025 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Rohit Kumar @ Rohit Kumar Mahto S/o Lalindra Mahto @ Lalinder Mahto
@ Lalindra Kumar @ Lalindara Mahto R/o Village - Vikrampur Bande, P.S -
Mufassil, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ankit Kumar Jha

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Muffasil
P.S. Case No. 200 of 2025 registered for the offences punishable
under Sections 109, 3(5) of BNS 2023 and Section 27 of Arms Act.

3. As per prosecution case, informant was sitting on his
shop in the meantime a boy namely Bittu Kumar of his village came
along with his two associates namely Rohit Kumar (petitioner) and
one unknown and they purchased a Maza cold drink of 750 ml and
03 Gold Flake Cigarette and one of them paid Rs. 75 online and they
departed towards orchard. In the meantime, informant's son namely
Jayram came on the shop and sent informant for taking meal.
Thereafter, informant's son checked the online payment and found
that Rs. 75 was not received. In the meantime, all the three boys



came there upon which son of the informant told them that amount has not been received as yet due to which altercation took place between them and it is alleged that co-accused Bittu Kumar shot fire upon the son of informant by his pistol and the bullet hit the chest of the informant due to which he fell down.

4. Learned counsel for the petitioner submits that petitioner bears no criminal antecedent. Learned counsel submits that there is no specific allegation against the petitioner. The specific allegation of firing is against co-accused Bittu Kumar. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that there is allegation against the petitioner in the FIR and he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, there is no specific overt-act attributed against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned A.C.J.M-II, Samastipur in connection with Muffasil P.S. Case No. 200 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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