

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86971 of 2024

Arising Out of PS. Case No.-256 Year-2023 Thana- MAKER District- Saran

Rohit Kumar Singh S/O Rajesh Singh R/O Village- Mandrauli, P.S- Amnour,
Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 07-02-2025 Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Maker P.S. Case No. 256 of 2023, registered for the offence punishable under Section 394 of the Indian Penal Code.

3. Allegedly, while the nephew and the brother-in-law of the informant were going on a Apache motorcycle bearing registration no. BR 04AJ 9462, in the meantime, three miscreants came on a motorcycle and started snatching the motorcycle and mobile from both of them. In course of snatching the valuables, the three miscreants shot thrice to the injured, *Ashish Kumar*. *Nitish Kumar* also sustained injury on



his right side of chest.

4. Learned Advocate appearing on behalf of the petitioner contended that the FIR has been instituted against unknown miscreants. However, during the course of investigation, the police apprehended one *Rahul Kumar Pandey* and on his confession, the name of the petitioner has surfaced. Barring the confessional statement, there is no material suggesting the complicity of the petitioner in the crime. It is the contention of the learned Advocate that the petitioner has been incarcerated since 28.03.2024, but till date, neither the petitioner has been put on test identification parade nor any incriminating material has been recovered. It is next contended that one of the co-accused, namely, *Chhotu Kumar*, whose name has transpired on the confessional statement of co-accused *Rahul Kumar Pandey*, he has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 62272 of 2024 vide order dated 20.11.2024. It is lastly contended that, be that as it may, now the charges have already been framed in the case and the petitioner undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail



application and submits that the petitioner bears two criminal antecedent and his complicity has surfaced in the investigation.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the charges have been framed, however, without there being any test identification parade. Moreover, one of the co-accused person, having identical allegation, has been allowed the privilege of regular bail, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-13th, Saran at Chapra in connection with Maker P.S. Case No. 256 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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