

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48531 of 2022

Arising Out of PS. Case No.-271 Year-2022 Thana- KHAGARIA District- Khagaria

ROCKY KUMAR @ LUCKY KUMAR Son of Ranjit Sah Resident of
Village - Bhadas Uttari, P.S.- Khagaria (Muffasil), District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Learned counsel for the petitioner is permitted to
make necessary correction in Para 8 of the petition during the
course of the day.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Khagaria (Muffasil) P.S. Case No. 271 of 2022 G.R. No. 805 of
2022 registered for the offences punishable under Sections 341,
323, 307, 379, 120(B)/34 of the Indian Penal Code read with
Section 27 of the Arms Act.



As per prosecution case, Arbind Sahni and Mantun Sharma were going to Bhadas Brahmsthan Chowk by means of e-rickshaw of informant. It is further alleged that when the informant reached near the Kali Temple then accused Sujay Singh @ Fighter and his associate fired two round upon the informant which hit right hand of informant and other bullet also passed through informant's wrist and hit over the thigh of Arbind Sahni. It is further alleged that Mantun Sharma was carrying Rs 1 lakh with him which he received from accused Ranjit Kumar as land agreement and accused persons were aware of this fact, consequently they committed loot of Rs. 1 lakh in conspiracy with each other from Mantun Sharma.

Learned counsel for the petitioner submits that petitioner is in custody since 06.04.2022. Petitioner bears no criminal antecedent. He further submits that petitioner is not named in FIR. A definite FIR has been lodged by the informant in which he has not taken the name of the petitioner surprisingly on very next day Mantun Sharma raised suspicion against the petitioner and others and in the further statement of informant name of the present petitioner has been disclosed. The petitioner has no concern with co-accused. There is no substantive evidence against the petitioner to demonstrate the complicity of



the petitioner with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner and he is not named in FIR, 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 Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 271 of 2022, 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)

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