

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32163 of 2015

Arising Out of PS.Case No. -23 Year- 2015 Thana -AGIAUN BAZAR District- BHOJPUR

1. Santosh Kumar @ Santosh Rai S/o Late Nagdeo Rai, resident of village -
Zamirs, P.S. Ara Mofassil, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Ram Naresh Roy(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 03-11-2015 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the State and the informant.

The petitioner is apprehending his arrest in a
case registered under section 302/34 of the Indian Penal Code and
27 of the Arms Act.

Earlier case diary was called for in this case
which has been received.

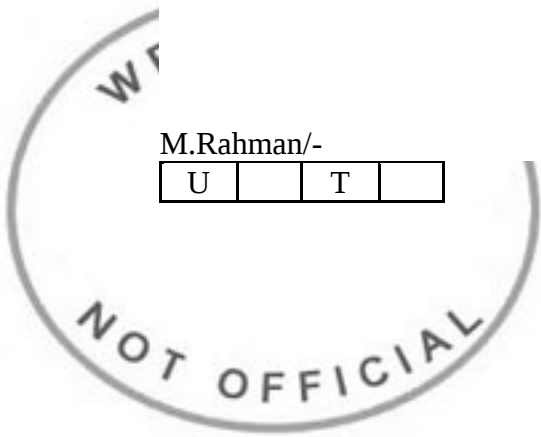
Learned counsel for the petitioner submits that
the allegation has been made against the petitioner that he along
with other persons out of which eight persons are named including
the petitioner participated in the cold blooded killing of the brother
of the informant. It is submitted that on perusal of the first
information report it appears that there was indiscriminate firing

which hit the deceased causing his death. It is further submitted that while identifying the accused persons it is stated that these persons were standing besides the tractor, who had intercepted the Scorpio on which the informant and his brother was returning from Barat.

Learned counsel appearing on behalf of the informant submits that the entire occurrence was well planned and the petitioner had participated in the crime. Learned counsel for the State submitted that through there is allegation against the petitioner and he is named in the first information report but the independent witness in paragraph 112, 113 and 114 of the case diary has stated that this petitioner in particular had remained in the Barat during whole night and therefore, his complicity in the case can be placed under the cloud.

Considering the facts and circumstances and the fact that petitioner has no criminal antecedent, let the above named petitioner in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of C.J.M, Bhojpur at Ara in Agiaon Bazar P.S. Case No. 23 of 2015, subject to the

conditions as laid down under section 438(2) Cr.P.C.



(Anjana Mishra, J)