

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2949 of 2016**

Arising Out of PS.Case No. -164 Year- 2015 Thana -BACHWARA District- BEGUSARAI

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Santosh Rai son of Sikendra Rai Resident of Village -Lakho Ramtola, P.S.  
Muffasil, District Begusarai.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Binod Kumar-Iii(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
ORAL ORDER

3 15-03-2016

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

The petitioner seeks bail in connection with  
Bachhwara P.S. Case No. 164 of 2015 registered for the  
offences punishable under Sections 364, 302, 392 of the Indian  
Penal Code and Section 27 of the Arms Act.

Allegedly, the driver and helper of the tank lorry  
bearing registration No. BRo9J-7129 were overpowered at the  
point of pistol by the miscreants and after killing the driver and  
the helper, the dead body were thrown and further, the tank lorry  
was kept at petrol pump at Muslidharawi , Darbhanga. During  
investigation, the petitioner and others were apprehended when  
they were making plan to commit crime. The petitioner and

others confessed their guilt.

Submission is of false implication and that Sandeep Kumar, whose statement has been recorded under Section 164 of the Code of Criminal Procedure, has stated the name of the petitioner, besides confessional statement, there is no other tangible material against the petitioner and that the mobile which was recovered from the possession of the petitioner having no connection with this case and as such the petitioner who is suffering in custody since 27.10.2015, deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Additional District & Session Judge-3, Begusarai in connection with Bachhwara P.S. Case No. 164 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the

default on two consecutive dates on his part without any reason  
shall disentitle the petitioner from privilege of bail.

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**(Jitendra Mohan Sharma, J.)**