

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.33374 of 2017**

Arising Out of PS.Case No. -147 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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1. Santosh Sah S/o Ashok Sah resident of Vill. - Kalgiganj, P.S. - Kahalgaon, Distt. - Bhagalpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Abhay Kumar – 1, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

6      31-01-2018                      Heard learned counsel for the petitioner and learned App for the State.

This is the second round of litigation. Earlier the prayer of the petitioner for grant of bail was rejected by this Court vide order dated 29.11.2016 in Cr. Misc. No. 40655 of 2016.

Petitioner is languishing in judicial custody since 14.05.2016 in connection with Sessions Trial No. 600 of 2016, arising out of Kahalgaon P.S. Case No. 147 of 2016 for offences punishable under Sections 302,120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant is that he got knowledge that his son Ambika Kumar has been murdered and his body was lying near a pokhar. It is alleged that the petitioner who was acquainted with the deceased had taken him away from the house and killed him.

It has been submitted by the learned counsel for the



petitioner that he is innocent, there is no criminal antecedent and just because he was acquainted with the deceased would not be the basis of the allegations. He submits that it is only on the basis of suspicion that the petitioner has been made accused and that trial is going on and the petitioner undertakes to cooperate in the trial on day-to-day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the material on record as well as the period of custody and undertaking of the petitioner, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sessions Trial No. 600 of 2016 arising out of Kahalgaon P.S. Case No. 147 of 2016, G.R. No. 1524 of 2016, or the successor Court, subject to the condition that the petitioner will fully cooperate with the investigation and trial of the case, failing which the bail bond of the petitioner shall stand cancelled by the learned court below.

**(Nilu Agrawal, J)**

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