

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2401 of 2019

Arising Out of PS. Case No.-88 Year-2018 Thana- BHAWANIPUR District- Purnia

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Santosh Kumar Patel, aged about 25 years/M, son of Laxman Mandal @
Lachhaman Mandal, Resident of Village- Balsota Dhar, P.S.- Alamnagar,
District-Madhepura ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Pawan Kumar, Adv.
For the Opposite Party : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-01-2019 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
16.08.2018 in connection with Bhawanipur (Baliya) P.S. Case
No. 88 of 2018 for the offences alleged under Sections 307 and
34 of the Indian Penal Code and Section 27 of the Arms Act.
Later on Section 394 of the Indian Penal Code has also been
added.

The prosecution case, as lodged by the informant, is
that while he was in a tempo, along with his uncle, two persons,
on a motorcycle tried to stop their way and persons sitting at the
back side fired on his uncle who was driving the tempo, which
hit his right hand. Thereafter, the motorcycle riders fled away.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the first information



report and has been falsely implicated in the case on the confessional statement made before the police in another case being Bhawanipur (Baliya) P.S. Case No. 153 of 2018 for allegation under Section 395 of the Indian Penal Code. He submits that the confessional statement before the police has no evidentiary value in the eye of law and has been falsely implicated. He submits that the charge sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses. He, further, submits that injury is not on the vital part of the body and he has been punished enough.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner is involved in two more cases under Sections 392 and 395 of the Indian Penal Code and is a habitual offender.

Considering the facts and circumstances and the materials 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 in connection with Bhawanipur (Baliya) P.S. Case No. 88 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Purnea, subject to the following conditions :

- (i) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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