

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7765 of 2019

Arising Out of PS. Case No.-111 Year-2015 Thana- SAJOUR District- Bhagalpur

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SANTOSH @ SANTOSH CHOURASIA @ SANTOSH KUMAR, aged about 26 years (Male), son of Ram Swaroop Modi, Resident of Village - Pakkisarai Ghogha, P.S.- Ghoha, Distt.- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh

For the Opposite Party/s : Mr.Madan Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 14.09.2018 in connection with Shahkund (Sajour) P.S. Case No. 111/2015 for offences punishable under Sections 328, 394 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was in his truck some miscreants came in a tempo and after assaulting the Khalasi drove away with the truck and also snatched Rs. 11,000/- from the pocket of the informant. The culprits dropped the name of the petitioner and co-accused Chandan and Sakho.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case only on the basis of confessional statement of co-accused Chandan and Sakho. He submits that the parentage of the petitioner or the other co-accused were not revealed by the informant and it is only on remand in another case co-accused revealed the name of the petitioner. He further submits that no T.I. Parade has been done so far and nothing has been recovered from the possession of the petitioner and that the said truck has already been recovered. It is further submitted that one of the co-accused on similar allegation has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 53882 of 2015 vide order dated 30.11.2015.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case is pending against him.

Considering the facts and circumstances and the materials on record, let 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 Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Shahkund (Sajour) P.S. Case No. 111/2015, subject to the condition that 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.

(Nilu Agrawal, J)

Rajesh/-

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