

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16494 of 2019**

Arising Out of PS. Case No.-84 Year-2018 Thana- KHIRI MORE District- Patna

SANTOSH KUMAR, aged about 19 years, Gender-Male, Son Late Krishna Chandravanshi @ Krishna Ram, Resident of Village-Korara, P.S.-Paliganj, District-Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Shiva Shankar Prasad Singh, Advocate.  
For the Opposite Party : Mr.Dilip Kumar No. 1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      16-04-2019                      A supplementary affidavit has been filed on behalf of the petitioner. Let it be kept on record.

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

The petitioner is languishing in custody since 22.09.2018 in a case for the offence registered under Sections 394, 411 of the IPC and 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution story, in brief, is that two persons, namely, Kundan Kumar and Gautam Kumar called the informant with vehicle to go Mahabalipur. On the way, two more persons, namely, Rakesh Kumar and Santosh Kumar (petitioner) also entered into his vehicle. Suddenly, Gautam Kumar pointed his pistol on the head of the informant and



Kundan Kumar started driving the said vehicle and assaulted him. On hearing the sound of hulla, four persons were caught hold by the villagers and arrested by the police. From possession of Gautam Kumar and Kundan Kumar, arms and ammunitions and vehicle were recovered as per the seizure list.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. Other co-accused has been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 6482 of 2019 order dated 05.02.2019 vide Annexure-2 to the supplementary affidavit filed on behalf of the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Danapur, Patna, in connection with Khiri More P.S. Case No. 84



of 2018.

(Sudhir Singh, J)

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