

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32757 of 2019

Arising Out of PS. Case No.-127 Year-2018 Thana- KALYANPUR District- Samastipur

SANTOSH KUMAR Son of Rajeshwar Rai Resident of Village - Gobindpur
Khajri, P.O.- Khajri , P.S.- Kalyanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali

For the Opposite Party/s : Mr.Sanjay Kumar

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 17-05-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered under Sections 341, 323, 307 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

When the informant along with his owner arrived at the door of his owner on motorcycle, three motorcycle borne criminals descended there and claimed key of the motorcycle and on putting resistance one of them resorted firing on his leg and abdomen.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. He has been falsely implicated in the case. There is



nothing cogent in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused Nitesh Kumar which has no evidentiary value in the eye of law. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Samastipur in connection with Kalyanpur P.S. Case No. 127 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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