

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76143 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- ARA NAWADA District- Bhojpur

SANTOSH KUMAR @ BIDYA BHUSHAN SINGH S/o Late Bharat Singh
R/o Mohalla- Ward No. 39, Near Mitha Kuaa, West Nawada, P.S.- Ara
Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 26-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Ara Nawada P.S. Case No. 74 of 2019
registered for the offence punishable under Section 302/34 of
the Indian Penal Code and 27 of Arms Act.

Informant is the father of deceased, who in his
written complaint has alleged that on 09.02.2019 he alongwith
his son (deceased) and other family members had gone Anaith
Powerganj on his tempo to attend the Tilak ceremony of his
nephew and as he reached there his son told that some articles is
left in the tempo and at 8:00 o' clock in the night when he went
to bring articles petitioner alongwith other co-accused fired



upon his son and killed him. The cause of occurrence is land dispute between the parties.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case due to previous animosity. There is general and omnibus allegation of firing against all five accused persons named in the FIR. No specific overt act has been alleged against petitioner but from perusal of the inquest report there is only one injury on the back of the head. FIR was lodged on 09.02.2019 but same was sent to the court of C.J.M. on 12.02.2019. It has been further submitted that the manner of occurrence as narrated by informant makes his presence at place of occurrence as well as means of identification of accused doubtful. Petitioner has no criminal antecedent and surrendered in court on 11.09.2019.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Ara Nawada P.S. Case No. 74 of 2019 subject to the conditions that:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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