

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19020 of 2020

Arising Out of PS. Case No.-84 Year-2019 Thana- MARANCHI District- Patna

Santosh Kumar @ Santosh Bind @ Chuhwa S/o Birmani Nishad R/o village-
Simaria Ghat, Bind Toli, P.S.- Chakiya, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Krishna Pd. Singh, Sr.Adv.

Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 05-06-2020 Heard learned counsel for the parties through video conferencing.

This relates to grant of bail in Maranchi P.S. Case No. 84 of 2019, registered for the offence under Sections 302, 147, 148, 149 of the I.P.C. and Section 27 of the Arms Act.

As per F.I.R., on 26-07-2019 at about 4:00 PM, one Tuntun Bind came and took away his son towards Ganga river. It is further alleged that petitioner and other six persons, who were already present there with fire-arms after seeing his son, started indiscriminate firing, which hit informant's son and he died on the spot.

It is submitted on behalf of petitioner that petitioner is innocent and he has falsely been implicated. During investigation, no incriminating material has come against the petitioner. It is further submitted that on perusal of F.I.R. itself,



it appears that informant is not eye-witness of the occurrence, rather he had come with other villagers after hearing the sound of firing. Only fact has come that petitioner and others were seen escaping from the place of occurrence. It is further submitted that *post-mortem* report does not support the prosecution case. It is also submitted that co-accused Anil Mahto has already been granted anticipatory bail by this Court. The petitioner is in custody since 15-10-2019.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioner 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 Sri Manoj Kumar, J.M. 1st Class, Barh (Patna) in connection with Maranchi P.S. Case No. 84 of 2019 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J.)

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