

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18133 of 2020

Arising Out of PS. Case No.-434 Year-2018 Thana- KORHA District- Katihar

=====

Santosh Kumar, Son of Akhilesh Rishi, Resident of Village - Mawaiya
Kheriya, Ward no. 15, P.S.- Korha, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sandeep Jha, Advocate

For the Opposite Party/s : Smt. Pushpa Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-06-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner. Learned APP for the State is also present.

The petitioner seeks bail in connection with Sessions Trial No.141 of 2019 arising out of Kodha P.S. Case No.434 of 2018 instituted for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27(1) of the Arms Act.

The prosecution case lodged by the petitioner is that



he had gone for doing some work at Katihar on 12.12.2018. In the morning of 13.12.2018, he received information from his father-in-law that his wife had succumbed to firearm injury. Unknown persons have entered his house and shot his wife dead.

The petitioner's counsel submits that the petitioner was the informant of the case. The police on extraneous considerations have implicated the petitioner. Even the father-in-law has not alleged or raised any suspicion against the petitioner. Prior to the instant case, the petitioner has no criminal antecedents and is in custody now for about one and a half years i.e., since 03.01.2019.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned F.T.C. II, Katihar, in connection with Sessions Trial No.141 of 2019 arising out of Kodha P.S. Case No.434 of 2018, subject to the following conditions:



- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

