

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20932 of 2020

Arising Out of PS. Case No.-82 Year-2020 Thana- DIGHA District- Patna

SANTOSH KUMAR Son of Rameshwar Prasad Resident of Village -
Makhdumpur, Gate No. 90, P.S.- Digha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Shama Sinha

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 06-10-2020 Heard Mrs. Shama Sinha, learned counsel for the

petitioner and Mr. Akshay Lal Pandit, learned counsel for the

State through video conferencing.

Petitioner seeks regular bail in connection with G.R.
No. 1378 of 2020 arising out of Digha P.S. Case No. 82 of 2020
registered for the offence under Section 302 / 34 of the I.P.C.
read with Section 27 of the Arms Act .

The allegation as per the First Information Report
lodged by one Shambhu Rai is that his son was going to drop
the children in school in the morning and when he was returning
on his motorcycle some unknown persons fired upon him due to
which he died in the hospital.

Learned counsel for the petitioner submits that
petitioner has not committed any offence in the manner alleged.



Learned counsel further submits that on the basis of suspicion the petitioner has been dragged in this case and there is no cogent material against the petitioner to connect him with the offence except the confessional statement of the petitioner. Learned counsel further submits that petitioner is in custody since 18.02.2020.

On the other hand, learned counsel for the State referring to case diary submits that in paragraph no. – 20 of the case diary on the basis of C.C.T.V. footage it has come that a person resembling with the petitioner was sitting on the motorcycle of the deceased as a pillion rider and two persons riding on another motorcycle fired bullet upon the deceased leading to his death. The C.C.T.V. footage further discloses that petitioner thereafter fled away along with the assailants on their motorcycle. Learned counsel further submits that the confessional statement of the petitioner was recorded in paragraph- 67 of the case diary wherein he vividly gave description of the offence committed by him along with two other contract killers inasmuch one Parmeshwar Kumar had given a contract to kill the deceased for Rs. 4,50,000/-. Learned counsel further submits that apart from the confessional statement, C.D.R. of the petitioner as well as Parmeshwar



Kumar also discloses that on the date of occurrence in the morning they were having talk on mobile.

Having heard learned counsel for the parties and taking into consideration the materials available on record, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the same is rejected.

However, if the trial does not show any progress within a period one year from today, the petitioner may renew his prayer for bail.

(Anil Kumar Sinha, J)

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