

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27488 of 2020**

Arising Out of PS. Case No.-166 Year-2019 Thana- KOTWA District- East Champaran

SANTOSH KUMAR @ SANTOSH MAHTO Son of Late Babu Mahto
Resident of Village - Ahiraulia, P.S. Kotwa, District East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 25-11-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Anil Prasad Singh, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Kotwa P.S. Case No. 166/2019 registered for the offences punishable under Sections 324, 307, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the First Information Report when the informant was going on motorcycle and reached near a petrol pump, one white colour car came from behind and after slowing down parallel to the



informant, one person sitting inside the car pulled down the glass of the car and fired indiscriminately at three rounds, one hit on the right hand of the informant and went to his chest, one shot hit the Ulna of the right hand as a result whereof the informant fell down. Informant alleged that 3 – 4 persons were sitting in the car. He did not identify those persons but alleged in the later part of the F.I.R. that Arun Singh, Santosh Mahto, Raju Dubey and Laddu Dubey have taken Rs. 13 Lakhs from him for the purpose of business and whenever the informant demands that money back they threatened him, therefore the informant claimed that these four persons have conspired to kill him.

Learned counsel submits that it is evident from the F.I.R. itself that the petitioner was not in the car. It is also apparent that that the petitioner has been implicated with an intention to extract money and further the two similarly situated co-accused Raju Dubey and Laddu Dubey have been granted privilege of pre-arrest bail by learned coordinate Bench of this Court in Cr. Misc. No. 82187/2019. The case of this petitioner is said to be similarly situated.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner, considering that the petitioner was not present in the car, there is no allegation of



firing against him, he has no criminal antecedent and the two co-accused similarly situated have been granted privilege of anticipatory bail, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Kotwa P.S. Case No. 166/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, District – East Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage



it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

