

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29525 of 2020

Arising Out of PS. Case No.-98 Year-2019 Thana- MAHISHI District- Saharsa

SANTOSH KUMAR @ SANTOSH YADAV Son of Yogendra Yadav
Resident of Village - Mangrouni, P.S.- Mahishi, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh

For the Opposite Party/s : Mr.Abhay Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-12-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

This application, for grant of anticipatory bail, arises
out of Mahishi Police Station Case No. 98 of 2019, disclosing
offences under Sections 341/342/302/120-B of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information
Report, is that the petitioner, along with co-accused, Lalan
Yadav and Rakesh Yadav, fired upon the back of the brother of
the informant while co-accused Ajay Yadav fired in the chest of
the brother of the informant and the brother of the informant
(deceased) succumbed to the bullets injuries.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case. He further submits that the allegation against the petitioner is that he fired in the back of the deceased, but the post-mortem examination report does not support the prosecution version as no fire arm injury has been found in the back of the deceased. He further submits that the post-mortem examination report shows only one bullet injury in the chest of the deceased, which has been attributed to co-accused Ajay Yadav. He further submits that earlier also, the side of the informant had falsely implicated the petitioner and others in Mahishi Police Station Case No. 194 of 2017 and Mahishi Police Station Case No. 268 of 2017, but, in both the cases, the police, after completion of investigation, submitted final form, not sending the petitioner and others for trial. He further submits that similarly situated co-accused persons, Lalan Yadav and Rakesh Yadav, have been granted anticipatory bail by a co-ordinate Bench of this Court, vide order, dated 19.06.2020, passed in Criminal Misc. No. 5803 of 2020.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted bail by this Court, I am inclined to grant the petitioner



privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, 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 learned Sub Divisional Judicial Magistrate, Saharsa, in connection with Mahishi Police Station Case No. 98 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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