

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13103 of 2021**

Arising Out of PS. Case No.-283 Year-2020 Thana- KISHUNPUR District- Supaul

Santosh Yadav (M) aged about 34 years, Son of Chandeshari Yadav Resident of Village - Balva, P.S.- Supaul, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhouri Vipin Bihari Shrivastava, Adv.
For the Opposite Party/s : Ms. Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

11 04-10-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Kishanpur PS Case No. 283 of 2020, instituted for the offence under Sections 399, 402 and 120B of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act.

The First Information Report (for brevity 'F.I.R.') is lodged by the police officials stating that a bus was seen wherein certain persons were crying that it is being looted and the same was stopped. It was disclosed that three persons had



boarded the bus with the intention of committing the murder of one Nirdosh Yadav who was travelling in the bus, and is stated to be an accused in murder of one Manoj Yadav. Out of gang rivalry, the three persons had been instructed by the instant petitioner from jail to commit murder.

The counsel for the petitioner submits that from the allegations made in the F.I.R. it is apparent that petitioner's implication is only on alleged statement of co-accused. He submits that the allegations are false and fabricated. The petitioner has no concern with the alleged occurrence and his implication in two cases out of the eight cases disclosed in paragraph No. 3 of the bail petition are subsequent to his contest in the '*Mukhiya*' election in the year 2016 based on political consideration. The submission is that charges have already been framed and petitioner is in custody since 25.11.2020. He is on bail in all the eight cases pending against him, as per disclosure made in paragraph No. 3 of the bail petition. Co-accused, Sanjay Yadav and Manjesh Kumar Yadav, who were actually found in the bus with intention of committing the murder, have been allowed bail in Cr. Misc. No. 16794 of 2021.

The learned APP representing the State has opposed the prayer for bail.



Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 Chief Judicial Magistrate, Supaul, Dist. Supaul, in connection with Kishanpur P. S. Case No. 283 of 2020, 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)

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