

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41607 of 2021

Arising Out of PS. Case No.-157 Year-2019 Thana- MAHUA District- Vaishali

SANTOSH KUMAR @ NINI Son of Sri Ramashish Singh Resident of
Village - Panpura, P.S.- Dhanarua, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Adv. Mr. Surendra Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-08-2021 Heard Mr. Y.C. Verma, learned senior counsel for the
petitioner and Mr. Jagdhar Prasad, learned Additional Public
Prosecutor for the State through video conferencing.

Petitioner renews his prayer for bail in connection
with Mahua PS Case No. 157/2019 registered for the offence
punishable under Sections 394/302/34, 396, 397 of the IPC
inasmuch as earlier bail application of the petitioner was
rejected vide order dated 07.07.2020 passed in Cr. Misc No.
7096/2020 (Annexure-1) with liberty to renew his prayer for
bail after one year.

The allegation against the petitioner as per the First
Information Report stating therein that the brother of the
informant namely, Manoj Kumar Singh was working as
Homeguard in Vaishali District Police Force and was posted at



Mahua Electricity Board at the relevant point of time. It has further been alleged that on 14.03.2019 at 4.15 PM the brother of the informant and one Birendra Rai, Homeguard Constable, went to Central Bank, Mahua along with the Cashier of Mahua Electricity Board in order to deposit money in the Bank. After depositing the cash the said Manoj Kumar Singh and Birendra Rai came out of the Bank and sat in the vehicle. In the meanwhile, four accused persons surrounded them and they tried to snatch the bag. It is further stated that when brother of informant Manoj Kumar Singh and Birendra Rai protested against the act of loot of the accused persons, they fired upon Manoj Kumar Singh and Birendra Rai and fled away from the place of occurrence after snatching the bag. As a result of firing made by the accused persons both Constable i.e. brother of the informant Manoj Kumar Singh and Birendra Rai died during the course of treatment.

Submission on behalf of the petitioner is that petitioner is not named in the FIR and no incriminating articles have been recovered from the possession of the petitioner and the name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, Sippa Kumar and he is in custody since 22.06.2019. Learned senior counsel



next submits that the charges against the petitioner were framed on 20.06.2021 and since then no witness has been examined by the trial court.

Regard being had to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is in custody since 22.06.2019 and the trial is not likely to be concluded in near future due to pandemic of COVID-19 and this is the second attempt of bail on behalf of petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, SANTOSH KUMAR @ NINI be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali (Hajipur)/the court concerned in connection with Mahua PS Case No. 157/2019.

Covid protocol like social/physical distancing and sporting masks are expected to be followed strictly by the parties while furnishing bail bonds.

(Anil Kumar Sinha, J)

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