

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47331 of 2021

Arising Out of PS. Case No.-87 Year-2010 Thana- VAISHALI District- Vaishali

SANTU SINGH @ SHAILESH KUMAR Son of Bhagya Narain Singh
Resident of Village - Ram Nagar Pakari, P.S.- Lalganj, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate. Mrs. Bela Singh, Advocate.
For the Opposite Party/s	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-10-2021

Heard Mr. Yogesh Chandra Verma, learned senior counsel assisted by Mrs. Bela Singh learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite



innocent and has been falsely implicated in this case. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused, Amit Kumar @ Kunal Kishore which has no evidentiary value in the eye of law. The aforesaid co-accused, namely, Amit Kumar @ Kunal Kishore has been enlarged on bail by a co-ordinate bench of this court vide order dated 24.10.2011 passed in Cr. Misc. No. 44495 of 2010, as mentioned in para-15 of this bail application. The petitioner has two criminal antecedent and he is on bail in both the cases, as mentioned in para-3 of this application and has been languishing in custody since 24.06.2021.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in



connection with Vaishali P.S. Case No.87 of 2010, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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