

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.196 of 2021

Arising Out of PS. Case No.-113 Year-2020 Thana- ASHTHAWAN District- Nalanda

Santosh Kumar @ Aman Kumar @ Tension Singh S/O Sanjeet Singh
Resident of Village-Dumrawan, P.S.- Asthawan, District-Nalanda.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-03-2021 Learned counsel for the appellant 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 appellant and learned A.P.P. for the State.

Appellant, in the present case, is seeking setting aside the order dated 12.10.2020 passed by learned 1st Additional Sessions Judge – cum – Special Judge, Nalanda at Biharsharif in Asthawan P.S. Case No. 113 of 2020 registered for the offences punishable under Section 341/302 of the Indian Penal Code and Section 3(2)(v) of SC/ST (POA) Act.

As per prosecution story, while the informant's mother had gone to bring food-grains from a PDS shop situated at Dumrawa, the informant called on mobile of the deceased who disclosed that she had sold the food-grains and drinking



water at the tube-well of Chotte Singh, after 20 minutes later when the informant tried to contact with the deceased on mobile, the deceased's mobile was found switched off, thereafter informant started searching the deceased. The informant believed that the Chotte Singh had killed the deceased and has taken away her money and mobile phone and on morning of 27.05.2020 the dead body of the deceased was found in a ditch near Maulaha bridge.

Learned counsel for the appellant submits that appellant is not named in the First Information Report, rather he has been falsely implicated in this case on the basis of suspicion, however he is in custody since 31.08.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the appellant.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the appellant that the appellant is not named in the First Information Report, in the First Information Report informant has alleged that co-accused Chotte Singh has killed the mother of the informant, however, in course of investigation the name of the appellant has been brought within the purview of this case on the basis of a so-called confessional statement made before



police in which also the name of Chotte Singh has come as the person who killed the mother of the informant, the only circumstance stated against the appellant is that his location of the mobile was in the same area and locality where the location of the mobile of the mother of the informant was found before the alleged occurrence, learned Special Public Prosecutor for the State has not controverted the submission of the appellant that the accusation of killing is against the co-accused Chotte Singh, in the circumstance, let the impugned order be set-aside, let the appellant above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge – cum – Special Judge, Nalanda at Biharsharif, in connection with Asthawan P.S. Case No. 113 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.

