

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76158 of 2019**

Arising Out of PS. Case No.-49 Year-2012 Thana- NAVINAGAR District- Aurangabad

SANTOSH MEHTA @ SANTOSH KUMAR Son of Mahavir Mehta Resident
of Village and P.S. - Rishiap, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey
For the Opposite Party/s : Mr.Anish Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

10 05-02-2021

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Nabinagar P.S. Case No. 49 of 2012, disclosing offences punishable under Sections 302/201 of the Indian Penal Code.

The petitioner is in custody since 01.08.2019. Initially, the First Information Report was registered against unknown. The dead body of the deceased found lying adjacent to a *canal*. The post mortem report suggests that she was killed by strangulation. The petitioner's name figured during the course of investigation. It transpires from the case diary, which is available on record that the



petitioner and the deceased had developed amorous relationship and subsequently got married. They were co-villagers. The matrimonial relationship between them was not cordial. It transpires that based on the circumstances available, the police have concluded that the petitioner might have killed the deceased.

Learned Senior Counsel appearing on behalf of the petitioner has argued that at the maximum, it can be said to be a case of last seen or a case of circumstantial evidence. There is absolutely no material to complete the chain to establish the accusation against the petitioner on the basis of circumstantial evidence, even if the materials collected during the course of investigation are treated to be correct.

I am, albeit *prima facie*, satisfied with the submission.

Considering the aforementioned submission and the fact that the petitioner is in custody since 01.08.2019, this application 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, Aurangabad in Nabinagar



P.S. case No. 49 of 2012.

(Chakradhari Sharan Singh, J)

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