

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15363 of 2021

Arising Out of PS. Case No.-754 Year-2019 Thana- BIHTA District- Patna

SANTOSH KUMAR MALAKAR S/O SRI RAM PRAWESH BHAGAT R/O
VILLAGE SAKKARDI, P.S KOILWAR DISTRICT BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surj Bansh Roy

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-01-2022 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Bihta P.S. Case No. 754/2019
instituted for the offences under Sections 302, 120B and 34
of the Indian Penal Code and Section 27 of the Arms Act.

The brother of the informant was shot dead.

The informant suspected the hands of one Gunja
Kumari with whom the deceased used to talk on telephone.
Later, aforesaid Gunja Kumari was arrested and she has
disclosed the name of the petitioner in her confession.
Aforesaid Gunja Kumari has been granted bail by a Bench of
this Court vide Criminal Miscellaneous No. 6967 of 2021.



Another co-accused person, namely, Pintu Kumar has also been granted regular bail by a Bench of this Court vide order dated 07.09.2020 passed in Cr. Misc. No. 23136 of 2020.

Since the other accused persons have been granted regular bail, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, the court below shall take into account that the name of the petitioner has transpired in the confession of one of the arrested accused persons, who has been granted regular bail and that another similarly person has also been granted bail and shall pass an order in accordance with law, without being prejudiced by the present rejection of bail.

The petition stands disposed of with the aforesaid observation.

(Ashutosh Kumar, J)

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