

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4673 of 2022

Arising Out of PS. Case No.-851 Year-2019 Thana- KAHALGAON District- Bhagalpur

Santosh Modi @ Santosh Chourasia, Son Of Ram Swaroop Modi, R/O
Village- Pakkisarai, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-06-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

In the present case, the petitioner seeks bail in connection
with Sessions Trial No.190 of 2020/131 of 2021 arising out of
Kahalgaon (Ghogha) P.S. Case No. 851 of 2029 registered for
the alleged offence under Sections 302/201/34 of the Indian
Penal Code.

Allegedly, the petitioner along with other co-accused
persons killed the daughter of the informant, who was married
to co-accused Kishan Mandal.

It has been submitted by the learned counsel for the
petitioner that the petitioner has not been named in the FIR and



his name came up in the instant case in the confessional statement of co-accused Kishan Mandal. There is no material against the petitioner for involvement in the alleged occurrence. Even the FIR has been lodged much belatedly. The another co-accused, namely, Rishi Mandal has been allowed privilege of bail by a coordinate Bench of this Court vide order dated 29.11.2021 passed in Cr. Misc. No. 32897 of 2021 and the case of the petitioner is exactly on similar footing. The petitioner is in custody since 24.12.2020.

The learned APP has opposed the prayer of bail, submitting that during investigation, the name of the petitioner surfaced in the confessional statement only.

Having regard to the submissions made hereinabove and considering the fact that there is nothing much on record to indicate the complicity of the petitioner in the alleged crime and further considering the period of custody, the petitioner above named is directed to 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 9th Additional Sessions Judge, Bhagalpur in connection with Sessions Trial No.190 of 2020/131 of 2021 arising out of Kahalgaon (Ghogha) P.S. Case No. 851 of 2029, subject to the following conditions :



(i) One of the bailors will be a close relative of the petitioner, preferably one of the parents.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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