

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10636 of 2022

Arising Out of PS. Case No.-146 Year-2015 Thana- KANKARBAG District- Patna

Santosh Kumar Son of Panna Lal Resident of Mohalla- Chiraiya Tand, Khash Mahal Near Baijnath Bhawan, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 341, 323, 307, 504 of the Indian Penal Code.

According to prosecution case, in brief, is that one Pratibha Singh submitted her written statement before the police station stating therein that on 05.03.2015 she heard a sound and came out from the house and saw that some anti-social elements were abusing and query she knew that those criminals have been called by a woman who lived in the house of Karu. It is further stated that the strength of criminals was ten in number and they took away Ajay Kumar towards their house and attacked him.



The informant further alleged that the people of Mohalla gathered with empty hand to save Ajay and criminals were armed who injured ten persons of Mohalla and Ajay Kumar Singh sustained serious injury and Asha Devi also sustained injury on her head and Arun Kumar, Ajay Kumar, Suraj Kumar, Awadhesh Sinha and others were also assaulted.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of statement recorded by the witnesses, they were present at the place of occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Nazir Ansari and Rekha Devi have been granted bail by the Court below itself. The petitioner is in custody since 12.09.2021

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Kankarbagh P.S. Case No. 146 of 2015, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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