

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9852 of 2022

Arising Out of PS. Case No.-191 Year-2021 Thana- PALIGANJ District- Patna

1. SANTOSH KUMAR @ SANTOSH YADAV S/o Dinanath Yadav Yadav R/o village- Nirakhpur Tola, P.S.- Paliganj, District- Patna
2. Endlesh Kumar @ Endlesh Yadav @ Endreshwar Yadav S/o Nageshwar Yadav R/o village- Nirakhpur Tola, P.S.- Paliganj, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Paras Nath, Advocate
For the Opposite Party/s	:	Mr. Anita Kumari, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-11-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State as well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

Considering the submission of learned counsel for the petitioner, learned counsel for the petitioner is permitted to make necessary correction in paragraph no.1 and satisfaction portion of the present bail petition.

The petitioners seek bail in connection with Paliganj P.S. Case No. 191 of 2021 registered for the offence under Sections 302 and 34 of the Indian Penal Code.



The accused/petitioners are named in the F.I.R., where, petitioner no.1 is in custody since 03.07.2021 and petitioner no.2 is in custody since 11.08.2021.

The allegation against the petitioners is to commit murder of the son of the informant along with other co-accused persons, due to previous enmity, arises out of land dispute.

Learned counsel appearing on behalf of the petitioners submitted that entire allegation against both the petitioners is based upon suspicion, as deceased was noticed 'last seen' with petitioners and other co-accused persons, whereas, during course of investigation, nothing incriminating material surfaced/recovered, as to connect these petitioners with the present set of murder. It is further pointed out that even the dead body of the deceased was recovered from the cabin of one Kundan Singh. While concluding the argument, it is submitted that both the petitioners are man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that it was these petitioners, who called the son of the informant from



the house along with other co-accused persons and thereafter committed murder, but fairly conceded the fact that informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, as save and except 'last seen' nothing incriminating material surfaced/recovered to connect these petitioners, *prima facie*, with the present set of occurrence coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Paliganj P.S. Case No. 191 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Danapur, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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