

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12447 of 2022

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

SANTOSH KUMAR Son of Raghubir Paswan Resident of Village- Sahorwa,
Ward No.18, P.S.- Sonbersa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 16-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sursand (Bhitha O.P.) P.S. Case No. 561 of 2021 registered for
the offences punishable under Sections 399, 402, 414 of the
Indian Penal Code read with Sections 25(1-b)a, 26, 35 of the
Arms Act and Sections 8, 20(b)(ii)(c)/22 of the N.D.P.S. Act.

As per prosecution case, as per seizure list a Danda
was recovered from the possession of Santosh Kumar (Present
petitioner). So far as recovery of Charas, loaded Katta and other
incriminating articles are concerned, the same have been
recovered from possession of other co-accused persons.



Learned counsel for the petitioner submits that petitioner is in custody since 10.12.2021. Petitioner bears criminal antecedent of five cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner has falsely been implicated in this case and the allegations against the petitioner is totally false and concocted. The alleged items/country made pistol and cartridges have not been recovered from the possession of petitioner. Co-accused Vivek Kumar, Pramod Kumar, Manoj Kumar Sah and Janak Lal Mahto have already been granted bail vide Cr. Misc. No. 9140 of 2020 by this Hon'ble Court and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, nature of allegation, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, other co-accused persons on similar accusation have already been granted bail, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner



above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi in connection with Sursand P.S. Case No. 561 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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