

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15716 of 2022

Arising Out of PS. Case No.-59 Year-2020 Thana- NARAINPUR District- Bhojpur

Santosh Kumar, Son Of Bikhari Mahto Alias Bhikhari Singh Resident Of Vill-
Katariya, P.S- Agiaon Bazar, Dist- Bhojpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surj Bansh Roy- Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh- A.P.P.

For Union of India : Mr. Praveen Kumar Sinha- Senior Panel Counsel

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-10-2022 Heard learned counsel for the petitioner, learned
Senior Panel Counsel for the Union of India and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 302,
201, and 120(B) of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 15.07.2020 at about 5.00 A.M. he received
information from local villagers that a dead body was lying
beside the Panchayat Bhawan near the bridge. Accordingly, he
reached the place of occurrence and found a dead body having
injuries near head and left ear. It is next alleged that after seeing



the dead body, it appears that someone threw the dead body with an intention to conceal it.

The learned counsel for the petitioner submits that the petitioner is not named in the F.I.R., during course of investigation, one Vikash Kumar was arrested based on suspicion, who stated before the police that the relationship between Bhikhari Mahto and Kashi Nath Singh was strained and he further revealed that this petitioner and other co-accused had hired him to kill the deceased, thereafter the victim was murdered by co-accused by firearm. The learned counsel thus submits that apart from confessional statement, there is nothing to even remotely connect the petitioner with the offence. It is next submitted that petitioner is a Constable in C.R.P.F. and is presently posted in Assam at New Bongaigaon. It is next submitted that petitioner on 01.07.2020 had left Ara for reaching his destination in Assam by train as would be evident from Annexure-2 at Page-22. It is next submitted that accordingly, the petitioner reached at New Bongaigaon, Assam on 02.07.2020 at 10.30 A.M. and thereafter, reported to the Office. It is next submitted that he was accordingly quarantined and he remained in quarantine on 02.07.2020 to 16.07.2020. The learned counsel submits that from perusal of the F.I.R., it would manifest that



the same was instituted on 15.07.2020 when admittedly the petitioner was at New Bongaigaon, Assam in quarantine.

The learned Senior Panel Counsel for the Central Government very fairly submits that he has received instruction and from perusal of the instruction, it manifests that the petitioner was in quarantine from 02.07.2020 till 15.07.2020 at New Bongaigaon, Assam.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Narayanpur P. S. Case No.59 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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