

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16566 of 2022

Arising Out of PS. Case No.-14 Year-2018 Thana- BAKHARI District- Begusarai

=====

Santosh Singh @ Santosh Anand S/o Rajendra Prasad Singh Resident of
Kumbhi, P.S.- Cheriya Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Bakhri
P.S. Case No. 14 of 2018 registered for the offence under
Sections 302, 120(B) and 34 of the Indian Penal Code,
alongwith Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.09.2021.

The allegation against the petitioner is to commit
murder of the brother of the informant, alongwith other co-
accused persons by causing fire arm injury, while on way of his
shop located at Bella Chowk, Begusarai.



Learned counsel appearing on behalf of the petitioner submitted that initially the allegation of murder was made against all 9 named accused persons but thereafter, the specific allegation was raised to cause fatal fire arm injury, causing death of the brother of the informant, which is available against co-accused Vinay Sah, Shwat Kumar Mahto@Mahanta and Sushil Singh, as per version of the informant, who is the eye witness of the occurrence. It is submitted that on post-mortem only single fire arm injury was noticed, having entry and exit wound, creating the serious doubt over entire allegation, as regard to indiscriminate firing, where no overt act attributed to this petitioner except of general and omnibus allegation, as regard to participation. While concluding the argument, it has been submitted that petitioner involved in 7 more criminal cases, where he has already been acquitted in 5 cases and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation to cause fatal fire arm injuries is available against co-accused Vinay Sah, Shwat Kumar Mahto@Mahanta



and Sushil Singh and not against this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bakhri P.S. Case No. 14 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Begusarai/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

