

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23925 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- PUNPUN District- Patna

SANTOSH KUMAR @ SANTOSH PASWAN Son of Lallu Paswan R/o
village - Chhotaki Paimar Ghat, P.S.- Punpun, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Anand, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Punpun
P.S. Case No. 259 of 2021 registered for the offence under
Sections 302, 120(b), 34 of the I.P.C.

The accused/petitioner is not named in the F.I.R. and
is in custody since 11.10.2021.

The allegation against the petitioner is to commit
murder of the brother-in-law of the informant along with named
co-accused persons for previous enmities.

Learned counsel appearing on behalf of the petitioner



submitted that the name of petitioner surfaced on the basis of named co-accused, namely, Vicky Kumar, where nothing surfaced in furtherance of said confession which may incriminate petitioner with present occurrence of murder. It is further submitted that even the F.I.R. only support the inimical deal of deceased with named co-accused Vicky Kumar. While concluding the argument, it has been submitted that informant is not the eye witness of the occurrence, where petitioner is a man of clean antecedent 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, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R. and it further appears that informant is not eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as basis of allegation is nothing but suspicion, where informant is not the eye witness of the occurrence coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Punpun P.S. Case No. 259 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of



Additional Sessions Judge, Masaudhi at Patna/concerned court,
subject to the conditions as mentioned under Section 437 (3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

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