

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24365 of 2022

Arising Out of PS. Case No.-511 Year-2019 Thana- BODHGAYA District- Gaya

Santosh Yadav @ Santosh Prasad S/o Mithlesh Prasad R/o village- Panti, P.S.-
Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Advocate.
For the Opposite Party/s : Mr.Umanath Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-08-2022 Heard Mr. Manish Kumar No.2, learned counsel
appearing on behalf of the petitioner and Mr. Umanath Mishra,
learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Bodhgaya P.S. Case No. 511 of 2019 for the offence punishable
under Section 396 of the Indian Penal Code and Section 27 of
the Arms Act.

Prosecution story, in brief, is that six unknown
miscreants in course of committing robbery snatched Rs.6 lakh
and committed murder of Abdul Rashid by resorting to fire on
his neck. It is further alleged that the miscreants threatened to
kill him also.



Mr. Manish Kumar No.2, learned counsel appearing on behalf of the petitioner submitted that petitioner has earlier moved before this Court for grant of bail which was rejected vide order dated 29.01.2021 passed in Cr. Misc. No. 33910 of 2020 with liberty to renew his prayer for bail, if the trial is not concluded within a period of one year. He further submitted that altogether seven co-accused have already been released on bail by co-ordinate Benches of this Court. Charge sheet has already been submitted and there is no allegation of tampering the evidence or influencing the witnesses. Petitioner is in custody since 02.12.2019. He further submitted that considering the period of custody and nature of allegation made against the petitioner in the F.I.R., petitioner may be released on bail by imposing any condition.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submitted that the petitioner is one of the gang leaders and is involved in other criminal activity in the area. Bodhgaya is a tourist place where many tourists including foreigners come and they may carry bad impression because of such incidence being carried out in the area. As such, it would not be in the interest of society to release the petitioner on bail.



Having considered the rival submissions of the parties, nature of allegation made in the F.I.R., period of custody undergone by the petitioner and the trial is not likely to be concluded soon. Similarly situated co-accused from whose possession recovery was made have already been released on bail. Bail orders are Annexure-2 series. Without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Bodhgaya P.S. Case No. 511 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take



steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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