

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37296 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- VISHNUPAD District- Gaya

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Santosh Singh Rawani @ Santosh Kumar @ Santosh Singh @ Santosh Rawani Son Of Late Ashok Prasad Rawani @ Ashok Prasad Resident Of Mohalla- Nadragang, Mallahtoli, P.S.- Civil Lines, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y. V. Giri, Sr. Advocate with Mr. Sumit Kumar Jha, Advocate.
For the Opposite Party/s	:	Mr. Nand Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2022 Today this case has been listed on the motion slip
filed by the learned counsel for the petitioner.

Learned senior counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Y. V. Giri, learned senior counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Vishnupad P. S. Case No. 92 of 2022 registered for the offences punishable under Sections 341, 448, 427, 354, 380, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written



complaint filed by the informant alleging therein inter alia that on 30.04.2022, while the informant was feeding her children, in the meantime, all the F.I.R. named accused persons including the petitioner came to the door of the informant and when the informant came out they resorted 5 to 6 round firing, however no injury has been caused. It is further alleged that the accused persons continuously abused the informant and her family members and the petitioner entered into her house and took away some papers and Rs. 7,000/-.

Learned senior counsel appearing on behalf of the petitioner submitted that there is general and omnibus allegation against all the accused persons including the petitioner and no specific allegation of any overt act has been levelled and save and except the exaggerated allegation that this petitioner entered into the house and took away Rs. 7,000/-. It is further submitted that the petitioner was elected as Ward Parishad in Ward No. 38 and as he was to contest the ward election for Deputy Mayor in Gaya, 2022, one of the rival candidates, namely, Guddi Rawani has got the present case instituted. It is next submitted that the motive behind the false implication of the petitioner is that one of his brothers, namely, Mantu Singh was brutally assaulted by Guddi Rawani and F.I.R. has been instituted against him in Civil



Lines P. S. Case No. 131 of 2022, because of all these reasons, the informant has been used as a tool for instituting present F.I.R.. with a view to pressurise the petitioner and his family to withdraw the earlier case. From the tenor of the F.I.R., it is evident that no injury has caused to anyone nor any motive has been assigned. It is also submitted that though, the petitioner had been made accused in two other criminal cases as mentioned in paragraph 3 but in both the cases the petitioner is already acquitted way back in the year 2011-2016 respectively. It is lastly submitted that now the investigation of the crime is completed and the charge sheet has been submitted and there is no allegation that the petitioner is indulged in tampering of the evidences or intimidating the witnesses.

On the other hand, learned APP for the State opposes the bail application and submits that specific allegation has been levelled against all the accused persons that they entered into the house of the informant and fired upon them.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation and the facts narrated in the bail application showing the animosity of the petitioner with other rival political members and moreover, the investigation of the crime is already



completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Vishnupad P. S. Case No. 92 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall



take step for cancelling of bail bond of the
petitioner. However, the acceptance of bail bonds
in terms of the above-mentioned order shall not
be delayed for purpose of or in the name of
verification.

(Harish Kumar, J)

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