

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53861 of 2021

Arising Out of PS. Case No.-168 Year-2019 Thana- BELSAND District- Sitamarhi

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SANTOSH PATEL Son of Biltu Patel Resident of Village- Haji Bazar
Mushahari Chowk, Punaura, P.S.- Punaura, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in Belsand P.S.
Case No. 168 of 2019 registered under Section 302/34 of the
Indian Penal Code and 27 of the Arms Act.

Prosecution case in short is that the FIR named accused
persons had threatened the informant to kill his son namely
Vishal Kumar and on 07-11-2019, the FIR named accused
persons in collusion with each other committed murder of his
son due to land dispute.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner has been falsely implicated in the present case. As per



prosecution case, one Arun Bhagat had called the deceased and thereafter, dead body of the deceased was found. In course of investigation, the informant named the petitioner because he had called the deceased. The restatement is subsequent development to the statement made in the FIR by the informant. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Belsand P.S. Case No. 168 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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