

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56718 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- BELA District- Sitamarhi

Santosh Sah @ Akash S/O Naresh Sah R/o village- Chaudhary Tola, P.S.-
Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Bela P. S. Case No. 53 of 2021 registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

The prosecution case, as per the F.I.R., is that on the date of occurrence on 26.03.2021, all six named accused persons have committed murder of the brother of the informant, when he was coming from his shop. It is also alleged that proceedings under Sections 107 and 144 Cr. P. C. was also initiated against the accused persons, as they threatened to kill



the family members of the informant.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R., his name transpired on his own confession as well as on the confessional statement of co-accused, namely, Roshan Kumar and thereafter, the petitioner was remanded in this case from Runnisaipur P. S. Case No. 271 of 2021.

It is further submitted that even during the course of investigation no incrementing material has come which suggest the complicity of this petitioner in the present occurrence.

It is submitted by the learned counsel for the State that the petitioner is accused in three other cases. In response, the learned counsel for the petitioner submits that in two cases which are of the year 2018, the petitioner is already on bail.

It is also submitted by the learned counsel for the petitioner that the petitioner is in custody since 15.04.2021.

Having heard the submissions made on behalf of the parties and considering the materials available on record that the name of the petitioner has transpired on his own confession as also on the confessional statement of the co-accused and thereafter, he has been remanded in the present case and during the investigation, no cogent material has come suggesting the



complicity of the petitioner and he is in custody since 15.04.2021, let this 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 Sub Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Bela P. S. Case No. 53 of 2021, 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.

(Harish Kumar, J)

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