

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48757 of 2022

Arising Out of PS. Case No.-198 Year-2020 Thana- HASANPUR District- Samastipur

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Santosh Kumar Yadav, aged about 26 years, Male, Son Of Dilan Yadav R/O
Village- Bhuighar, P.S.- Bithan, District- Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Kumar Sharma, Advocate

For the Opposite Party : Mr. Rajendra Nath Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 20-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for 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 seeks bail in connection with Sessions
Trial No. 86 of 2021/140/2021, arising out of Hasanpur P.S.
Case No. 198 of 2020 registered for the offence under Sections
302/34 of the I.P.C. and Section 27 of the Arms Act.

The prosecution case, in brief, is that the petitioner
and other accused persons fired upon the brother of the



informant, namely, Rahul Kumar, as a result of which, he died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.03.2021. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. General and omnibus allegation of firing has been made against the petitioner and other co-accused. As per postmortem report, only two firearms injuries are said to have been found on the body of the deceased. It cannot be ascertained who has caused fatal injury upon the body of the deceased. F.I.R. is said to have been instituted after 11 days of the alleged occurrence. The occurrence is said to have been taken place on 20.08.2020 and the fardbeyan was recorded on 01.09.2020. Delay has not been explained by the prosecution which casts doubt upon the prosecution.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II, Rosera at Samastipur, in



connection with Sessions Trial No. 86 of 2021/140/2021, arising
out of Hasanpur P.S. Case No. 198 of 2020.

(Sudhir Singh, J)

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