

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70993 of 2021

Arising Out of PS. Case No.-26 Year-2021 Thana- MARANCHI District- Patna

Santosh Kumar @ Chuhwa S/O Birmani Mahto, R/o village- Simaria Ghat,
Bind Toli, P.S.- Chakiya, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Maranchi (Panchmahala) P.S. Case No. 26 of 2021 registered for the alleged offences under Sections 147, 149, 341, 323, 353, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner is that he along with other co-accused persons fired upon the police party, which tried to pursue them.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner has been named only on suspicion in this case as from the FIR, it is obvious that the informant or any of the police personnel has not seen this petitioner. Though so much firing is stated to have taken place, but no empty cartridge has been recovered from the spot. The whole occurrence took place in the night and the petitioner was not seen at the spot and not arrested from the spot as well. The petitioner has been made accused and has been remanded in a number of cases after his arrest in the present case. The charge sheet has been submitted in this case and the petitioner is in custody since 03.08.2021.

Learned APP opposes the prayer for bail submitting that the petitioner and other co-accused persons opened fire on the police party and this petitioner is having long criminal history and is accused in seven other cases.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that though the petitioner has been named in this case, nothing tangible came up against this petitioner during investigation and further considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 03.08.2021, the petitioner above



named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Barh, Patna in connection with Maranchi P.S. Case No. 26 of 2021 subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) The petitioner will not commit similar type of offences in future.

(v) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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