

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.387 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- MARANCHI District- Patna

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Santosh Kumar @ Chuhwa Son Of Brijmaini Nishad @ Veermani Mahto
Resident Of Village - Simariya Ghat, Bind Toli, P.S.- Barauni, Distt.-
Begusarai.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Manoj Kumar Pandey
For the Opposite Party : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-04-2022 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 307 and other ancillary sections of the Indian Penal Code and sections 25(1-B)a, 26/27 and 35 of the Arms Act.

The case set up by the prosecution is that on the information received by the informant that some criminals are making plan to commit dacoity, informant raided a place. On seeing police party all the named accused persons including the petitioner started indiscriminate firing on the police party. In the cross firing, petitioner sustained fire arm injury in his right hand but he managed to flee away along with other accused persons.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material including arms and ammunition have been recovered from the conscious possession of the petitioner though there is recovery of arms and ammunition from the possession of co-accused Md. Raja who was apprehended on the spot. Said co-accused made confessional statement disclosing name of this petitioner as his associate. It is also submitted that as no one sustained injury from the informant side, no case under section 307 IPC is made out against the petitioner. He is in custody since 27.5.2021.

Considering the aforesaid facts and circumstances of the case and the period of custody of the petitioner, prayer for bail of the petitioner is allowed. Let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st class, Barh, Patna in Maranchi (Panchmahalla OP) Police Station Case No. 53 of 2021.

(Prabhat Kumar Singh, J)

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