

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5662 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Santosh Kumar Son Of Raju Singh @ Raj Kumar Nirala Resident Of
Mohalla- Asiyachak Navintola, P.S.- Sultanganj, District- Bhagalpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pallavi Pandey

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-03-2023 The present petition has been taken up out of

turn since the solemnization of marriage of petitioner's

daughter is going to be held on 13.03.2023.

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application

for grant of regular bail in a case registered for the

offences punishable under Sections 302/120(B) of the

Indian Penal Code.

The per allegation in F.I.R, petitioner along with

other co-accused persons committed murder of

informant's brother, Narayan Yadav, by pressing his



neck with towel.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. There is no specific overt act of allegation against the petitioner. The main allegation of committing murder is against Mithilesh Kumar and Rakesh Kumar Bind. There is no eye witness of the alleged offence. It is also submitted that petitioner is languishing in judicial custody since 5.9.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

It is further submitted by learned counsel for the petitioner that his daughter's marriage is going to be solemnized on 13.03.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail and submitted that from the perusal of the impugned order, it appears that the cause of death was due to asphyxia and venous congestion due to antemortem ligature strangulation.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Sultanganj P.S. Case No. 165 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st, Bhagalpur.

Learned trial Court is directed to verify the marriage date of the petitioner's daughter before accepting the bail bond.

(Sunil Kumar Panwar, J)

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