

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25421 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- TRIVENIGANJ District- Supaul

Santosh Kumar @ Santosh Yadav Son Of Brahmadev Yadav R/O Village-
Kasaha, P.S.- Triveniganj, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Mohammed Arif,, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Triveniganj P.S. Case No. 37 of 2022 dated 21.01.2022
registered for the offences punishable under Sections 395 and
397 of the Indian Penal Code and Section 27 of Arms Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner is not named in
the FIR and even his name did not find place in the protest
petition filed by the informant before the trial court and his
name transpired in the confessional statement of co-accused
namely, Kanhaiya Chaudhary @ Murari Chaudhary but except
this there is no other material to connect the petitioner to the
alleged crime of attempt to murder and after the petitioner's



remand in the present matter, he was not put on test identification parade and he has been languishing in jail since 17.11.2022 in the present matter, though against him there is criminal antecedent of one case but he is on bail in the said case and against him the investigation has been completed in the present matter.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner is not named in the FIR, though as per FIR some unknown persons were also involved in the commission of the alleged occurrence of attempt to murder but as per learned counsel for the petitioner this petitioner was not put on test identification parade despite the informant having claimed in the FIR to be able to identify the co-accused persons who have been shown as unknown persons in the FIR and as per the above submissions the name of this petitioner came into light during investigation in the confessional statement of co-accused Kanhaiya Chaudhary @ Murari Chaudhary, who revealed the name of this petitioner as well as 21 other persons being involved in the alleged crime and also taking into account the fact that as per FIR the main allegation of firing is against



two co-accused persons namely, Amrendra Kumar Amar @ Shankar Sah and Chandan Kumar, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Triveniganj P.S. Case No. 37 of 2022 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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