

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32142 of 2023**

Arising Out of PS. Case No.-314 Year-2020 Thana- SAHPUR District- Patna

Santosh Ray Son Of Vijendra Ray Resident Of Village- Mahangu Tola,  
Lodipur, P.S.-Janipur, District-Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate  
For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      28-06-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Shahpur  
P.S. Case No. 314 of 2020 registered for the offence under  
Sections 147/148/149/307/302 of the Indian Penal Code and  
Section 27 of Arms Act.

The accused/petitioner is not named in the F.I.R. and  
is in custody since 24.09.2022.

The allegation against the petitioner is to commit  
murder of elder brother of informant alongwith other named and  
unknown co-accused persons while opening indiscriminate  
firing.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Shambhu Rai @ Shambhu Gop, where no incriminating material recovered/surfaced during the course of investigation to connect petitioner with present occurrence of murder. It is submitted that said Shambhu Rai has already granted bail by one of the co-ordinate Bench of this Court through Cr. Misc. No. 34277 of 2021 dated 03.01.2022. While concluding the argument, it is submitted that petitioner found involved in two more criminal case, where he is on bail and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as save and except confessional statement of co-accused, nothing incriminating material surfaced/recovered against this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.09.2022 accordingly, petitioner above named, is directed to be released on bail in connection with Shahpur P.S. Case No. 314/2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of  
learned J.M. 1<sup>st</sup> Class, Danapur/concerned Court, subject to the  
conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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