

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37211 of 2023**

Arising Out of PS. Case No.-89 Year-2023 Thana- SUPAUL District- Supaul

Santosh Yadav @ Santosh Kumar son of Late Chandeshwari Yadav Village-
Balba Ps Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Veena Kumari Jaiswal, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 03-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
03.03.2023 in connection with Supaul P.S. Case No. 89 of 2023,
F.I.R. dated 08.02.2023 for the offences punishable under
Sections 147, 148, 149, 323, 324, 307, 385 and 506 of the
Indian Penal Code and Section 27 of the Arms Act.

4. According to prosecution case, this petitioner along
with other accused persons have demanded Rs. 5 lakh as
extortion from the informant and when his son came to rescue
his father then the petitioner fired on him which hit the head of



the son of the informant and on the point of revolver they looted ornaments worth Rs. 8 lakhs and fled away.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. She further submits that from perusal of the F.I.R. it appears that the allegation is that the petitioner has assaulted the son of the informant by butt of the revolver and the injury report of the son of the informant suggests that the injury is simple in nature caused by hard and blunt substance. She further submits that due to political rivalry, the present occurrence has taken place and the petitioner is implicated in this false and fabricated case. She further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 03.03.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 13 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the 13 cases.



7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 89 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of



bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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