

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43161 of 2023

Arising Out of PS. Case No.-680 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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SANTOSH KUMAR SON OF SHAMBHU RAI VILL SANTPUR PS
MUFFASIL DIST EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2023 1. Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered for
the offences punishable under Sections 341, 323, 307, 34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The informant alleges that he along with the petitioner, who
is his own brother, purchased a bolero vehicle and whenever
informant asked the petitioner about the earning of the vehicle and
his share, petitioner and Sanjay used to abuse, it is next alleged that
on 19.12.2021, Ajit called him outside the house where from before
three unknown accused were present and one of the accused fired at
him causing injury, thus alleges that the petitioner, in conspiracy,
wanted to kill him.

4. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent.

5. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that it is not in dispute, rather stands admitted that the petitioner and the informant are own brothers and were having dispute from before with respect to share in earning of the bolero vehicle which they had purchased jointly. It is further submitted that it absolutely does not stand to reason that as to why the petitioner would have wanted to kill his own brother for a trivial dispute relating to money with respect to a car, it is further submitted that even presuming what has been alleged is true without admitting then whether the petitioner would have got the occurrence committed at his house and that too in presence of Ajit who was known to him, it is further submitted that petitioner works in Kerala and from his earning, he along with his other two brothers including the informant had purchased the vehicle for business purpose and then dispute arose amongst the brother but then the informant was also a person who was having dispute with other persons also, it is submitted that at the cost of repetition that no prudent man would commit an occurrence creating evidence against himself, it is next submitted that the entire allegation hinges around suspicion and one of the brother i.e., Sanjay, was taken in custody but was released on bail vide order dated 27.02.2023 in Cr. Misc. No. 46397 of 2022 by the learned Co-ordinate Bench of this Court after framing of charges.

6. Learned counsel for the petitioner submits that the petitioner will not abscond rather will cooperate in the investigation.



7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Motihari Muffasil P.S. Case No. 680 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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