

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.47175 of 2023**

Arising Out of PS. Case No.-269 Year-2022 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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Santosh Kumar S/O Ram Sagar Ray R/O Village- Jitwarpur Chauth P.S.  
Samastipur Muffasil, Dist. Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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

3      13-09-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since  
03.05.2023 in connection with Samastipur Muffasil P.S. Case  
No.269 of 2022, G.R.No. 1661 of 2022, F.I.R. dated 24.06.2022  
for the offences punishable under Sections 341, 323, 379, 384,  
386, 504 and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the informant  
namely, Anil Kumar who alleged that the petitioner and other  
five persons named in Muffasil P.S.Case No.460 of 2021 in  
which the petitioner and one Pankaj Kumar were sent to judicial  
custody but other co-accused are absconding. He further alleged



that on 22.06.2022 at 9.00 PM he and one Ram Darbesh Kumar were talking near Kanhaiya Chowk on a Petrol Pump where the abovesaid persons surrounded them and started abusing them and slapped them. Further alleged that on the gun point they said that you are spy of police and you have informed about the liquor loaded truck to the police and our 30,00,000/- rupees (Thirty Lacs) have been lost. Further threatened that you both have to pay the 30,00,000/- rupees (Thirty Lacs) otherwise you will be eliminated and further alleged that Pankaj Kumar snatched 13,000/- rupees (Thirteen Thousand ) from the pocket of informant and 235/- rupees (Two hundred thirty five) snatched from the pocket of Ram Darbesh Kumar by Ravindra Kumar.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. As per allegation in the FIR, the truck of the petitioner was apprehended by the police and some liquor was recovered from the truck. Learned counsel for the petitioner submits that as per allegation in the FIR the informant is said to be master-mind of the seizure of the truck of the petitioner. Learned counsel for the petitioner submits that in fact the petitioner is not made an accused in Muffasil P.S.Case No.460 of 2021 so the allegation



as alleged in the FIR is false and fabricated and from a bare perusal of the FIR it appears that co-accused, namely, Pankaj Kumar @ Lussi and Ravindra Kumar have snatched amount from the pocket of the informant and there is no accusation against the petitioner and he has been implicated in the present case due to previous dispute and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in judicial custody since 03.05.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

6. 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 A.C.J.M.-II, Samastipur in connection with Samastipur Muffasil P.S. Case No.269 of 2022, G.R.No. 1661 of 2022, subject to the following conditions:-

I. 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.

II. 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.

III. 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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