

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49038 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- MAHUA District- Vaishali

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Santosh Kumar S/O Jitendra Singh @ Jitendra Kumar R/O Village-
Nawdihan, P.S- Sonpus, Distt.- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
06.04.2023 in connection with Mahua P.S. Case No. 110 of
2023, F.I.R. dated 25.02.2023 for the offences punishable under
Sections 302, 201, 120(B) /34 of the Indian Penal Code.

3. According to prosecution case, petitioner is alleged
to have committed murder of the daughter of the informant.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. and his name is transpired
only on the basis of confessional statement of co-accused
person, namely, *Shyam Babu Sah* who has confessed that the



petitioner is involved in the present crime in question. He further submits that the confessional statement of co-accused person, namely, *Phual Devi* she has also suggest that the petitioner and co-accused person, namely *Shyam Babu Sah* have relations with the deceased and except on the basis of confessional statement of the co-accused person, no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.04.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** 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, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 110 of 2023, 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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