

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49944 of 2023

Arising Out of PS. Case No.-301 Year-2022 Thana- SULTANGANJ District- Bhagalpur

SANTOSH KUMAR SON OF NAKUL SAH RESIDENT OF MOHALLA -
PILDAURI, GALI NO.5, SULTANGANJ, POLICE STATION -
SULTANGANJ, DISTRICT - BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioner is in custody in connection with Sessions Trial No. 106 of 2023 arising out of Sultanganj P.S. Case No. 301 of 2022 for the offence under section 302/34 of the Indian Penal Code lodged on 25.08.2022 by the informant, Md. Asif.

As per the prosecution story, the informant alleged that his younger brother left the house after dinner, but later in the morning, his dead body was recovered. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that during investigation, their names cropped up in which one co-accused, Amit Kumar in his confessional statement named this petitioner.



Further, he submits that subsequently, the Police also forced him to give his confessional statement.

The last submission is that the said Amit Kumar has since been granted bail by a co-ordinate Bench vide Cr. Misc. No. 8410 of 2023 (Annexure-3) and he is in custody since 13.12.2022 (as stated in paragraph 11 of the petition).

Learned APP opposes the prayer for bail stating that the petitioner has confessed the crime.

Taking into account the submissions put forward by the learned counsel for the petitioner as also that one of the co-accused has since been granted bail, as stated above, no one has seen the occurrence and is in custody since 13.12.2022 , this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Addl. District Sessions Judge XI, Bhagalpur, in connection with Sessions Trial No. 106 of 2023 arising out of Sultanganj P.S. Case No. 301 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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