

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50748 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- RAHUI District- Nalanda

SANTOSH KUMAR @ MALJI S/O SIKANDR YADAV Resident of Village-
Milkipar P.S.- Rahui (Bhagan Bigha), District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 16-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 302 and 120B read
with section 34 of the Indian Penal Code.

As per the prosecution case, the brother of the
informant went to bring medicine for his mother on 19.02.2022
but he did not return. On the next day the informant found his
brother's dead body lying beneath the bridge of the Panchane
river. It is further alleged that on 11.05.2021, a scuffle took



place in which his brother was assaulted by the accused persons including the petitioner for which Rahui P.S. Case No. 229 of 2021 was filed. The petitioner used to pressurize the informant and his family to comprise the matter and threatened to kill.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Learned counsel has further submitted that the co-accused persons have already granted anticipatory bail by the co-ordinate bench *vide* order dated 13.12.2022 passed in Cr. Misc. No. 45053 of 2022. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Nalanda at Biharsharif in connection with Rahui (Bhagan Bigha) P.S. Case No. 104 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure



with a condition:-

1. The court below shall verify the criminal antecedent of the petitioner and at any stage, if 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.

The application stands allowed.

(Chandra Prakash Singh, J)

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