

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62414 of 2023**

Arising Out of PS. Case No.-22 Year-2019 Thana- MINAPUR District- Muzaffarpur

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Santosh Kumar @ Santosh Rai, Son of Rampadarath Ray @ Ramdarath Ray,  
R/o vill - Manikpur (Maksudpur), P.S. - Minapur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Dr. Bipin Chandra, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      06-12-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Minapur P.S. Case No. 22 of 2019, registered for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons came to the house of the informant and while abusing him they stated that the informant was instrumental in getting their illicit liquor worth Rs. 30,00,000/- seized by the police. They demanded Rs. 30,00,000/- from the petitioner and abused him and when the informant forbade from doing so, co-accused opened fire upon the informant and one such



shot grazed the head of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is rivalry between the informant and the petitioner and for this reason he has been falsely implicated by the informant. From the FIR, it is apparent that specific allegation is against Samir Kumar and Sudhir Kumar and no specific overt act has been attributed to the petitioner. Learned counsel further submits that another co-accused Nawal Rai @ Nawal Kishore Ray has been granted provisional Bail vide order dated 21.02.2022 passed in Cr. Misc. No. 10015 of 2021 and the same was confirmed vide order 24.03.2022. Learned counsel further submits that there is no eye-witness or independent witness to the occurrence. Petitioner is accused in three cases of Excise Act but he is on bail in all such cases.

5. Learned APP opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner coupled with absence of any specific allegation, let the petitioner above named, in the event of his arrest or surrender before the



court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur/court concerned in connection with Minapur P.S. Case No. 22 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

**(Arun Kumar Jha, J)**

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