

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55055 of 2023

Arising Out of PS. Case No.-109 Year-2021 Thana- PURNEA SADAR District- Purnia

Santosh Kumar Son of Late Shiv Kumar Das R/o vill - Anand Nagar, Naya
Tola (Christian Tola), Khushki Bagh, ward no. 42, P.s - Sadar, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant
of regular bail in a case registered for the offences punishable
under Sections 302, 201/34 of the Indian Penal Code.

As per allegation in the FIR, 3-4 unknown miscreants
committed murder of the informant's son namely, Shiv Kumar Das
by cutting his neck by sharp cut weapon and thereafter, threw the
dead body in a river.

It is submitted by learned counsel for the petitioner that
the petitioner is innocent and has committed no offence. He has
falsely been implicated in the present case. He is not named in the
F.I.R. There is no eye witness to the alleged occurrence. The name
of the petitioner has been disclosed by the co-accused Pramod
Kumar before the police in his confession, which has no



evidentiary value in the eye of law. During investigation, except the confessional statement of co-accused no consistent material has come against the petitioner to show his complicity in the present occurrence. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated other co-accused namely, Ravi Kumar Mandal has already been enlarged on bail by another coordinate Bench of this Court vide order dated 27.01.2022 passed in Cr. Misc. No.51387 of 2021. Moreover, the petitioner is languishing in judicial custody since 15.03.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Sadar P.S. Case No. 109 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 5th Additional Sessions Judge, Purnea.

(Sunil Kumar Panwar, J)

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