

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59975 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- SAHPUR District- Patna

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SANTOSH KUMAR @ SANTOSH RAI Son of Kalu Prasad Rai Resident of
Hanumanganj, P.S.- Shahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2023 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection
with Shahpur PS case no. 43 of 2022 instituted for the
offences punishable under Sections 302 and other allied
sections of the Indian Penal Code and Section 27 of Arms Act.

The allegation, according to the informant, is
that on 31.02.2022, his father along with one Devendra Rai
had gone out of the house at about 1:30 pm, however, when
they did not return in the night, the informant and other family
members had made a search in the morning and subsequently,
the dead bodies of the father of the informant and his friend
namely Devendra Rai were found. The informant has named



08 accused persons to be having complicity in the alleged crime and as far as the petitioner, one Dhananjay Rai and Manju Rai are concerned, it has also been alleged that they had earlier threatened the father of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 24.05.2022. The learned counsel for the petitioner has further submitted that there is no eye-witness to the alleged occurrence and even the informant has not alleged any overt act *qua* the petitioner herein. It is also submitted that the aforesaid co-accused person namely Dhananjay Singh has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 28.06.2022, passed in Cr. Misc. no. 27202 of 2022, which is annexed as Annexure 3 to the present petition and is a very detailed order, which has been passed after considering all the materials on record. It is further submitted that some other co-accused persons have also been granted bail by the learned court below.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is not alleged to have engaged in any sort of overt act, he is having a clean antecedent and there is no eye-witness to the alleged occurrence as also considering the parity of the case of the petitioner with that of the co-accused person who has been granted the privilege of anticipatory bail, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Danapur in connection with Shahpur PS case no. 43 of 2022.

(Mohit Kumar Shah, J)

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