

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66587 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- DIGHALBANK District- Kishanganj

Santosh Kumar Ganesh, Son of Devendra Lal Ganesh, Resident of Village -
Bhat Toli Ward No.- 04, P.S.- Dighalbank, District - Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2023 Heard learned counsel appearing for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seek bail in connection with
Dighalbank P.S. Case No.73 of 2022 registered for the offences
punishable under Section 302 read with 34 of the Indian Penal
Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the first
information report and is custody since 23.08.2022.

The allegation against the petitioner is to commit the
murder of brother of the informant along with other co-accused
persons.

It is submitted by learned counsel appearing on
behalf of the petitioner that despite availability of name of the
petitioner, as appears through present FIR, it was lodged against



unknown persons, where admittedly informant is not the eye-witness of the occurrence, suggesting that no incriminating material was available with informant against petitioner while lodging the present case. It is submitted by learned counsel that mere on the basis of telephone call details and suspicion, during the course of investigation, the petitioner was implicated in present occurrence, where nothing incriminating surfaced during course of investigation which may connect the petitioner with the present set of occurrence. It is further submitted that even the call details report is not matching with the available mobile phone number of the petitioner. It is also pointed out that no incriminating material including the weapon of murder was recovered from the possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover the investigation of the case has been completed, for which charge-sheet has already been submitted. As such, there is no chance of tampering with the evidence.

Learned Additional Public Prosecutor for the State opposes the prayer for grant of bail to the petitioner.

In view of the above-mentioned facts and circumstances of the case, save and except suspicion, where the



informant is not the eye-witness of the occurrence, nothing incriminating surfaced during the course of investigation to connect the petitioner with the alleged occurrence, coupled with the fact that charge-sheet has already been submitted in this case, the petitioner is directed to be released on bail 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 Chief Judicial Magistrate, Kishanganj in connection with Dighalbank P.S. Case No.73 of 2022, subject to the conditions as mentioned under Section 437(3) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

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