

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78708 of 2023

Arising Out of PS. Case No.-328 Year-2017 Thana- BARBIGHA District- Sheikhpura

Santu Kumar S/O Ram Sagar Singh R/O Village- Bedauli, P.S- Sare In The
Distt. Of Nalanda.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 427, 353, 337, 338 and 186 of the Indian Penal Code.

3. The prosecution case, in short, is that on receiving information that a child namely, Priyanshu Kumar had died after being dashed by a tractor bearing Registration No. BR 21GA-2706. On 13.07.2017, the informant P.S.I., Sanjeet Kumar along with other police personnel reached at the place of occurrence, where the petitioner and F.I.R. named co-accused persons pelted stones due to which the informant and one another police personnel sustained injury.

4. It is submitted by learned counsel for the petitioner that



no such occurrence as alleged ever took place. Petitioner is quite innocent and has been falsely implicated in this case at the instance of enemy. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. As per the F.I.R., no identification has been disclosed by the informant rather the petitioner is the resident of Village- Bedauli, has been falsely implicated in the present case. Only on suspicion, petitioner's name dragged in this case. It is further submitted that co-accused Roushan Kumar has been granted anticipatory bail vide order dated 16.10.2019 passed in Cr. Misc. No. 62554 of 2019 by a Co-ordinate Bench of this Court. Petitioner have one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. Having regard to the facts and circumstances of the case, considering co-accused has been granted anticipatory bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the



learned lower Court where the case is pending/successor Court in connection with Barbigha P.S. Case No. 328 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the following conditions:

(i) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iii) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



(v) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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