

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20663 of 2024

Arising Out of PS. Case No.-190 Year-2023 Thana- BHARGAMA District- Araria

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Santosh Yadav @ Santosh Kumar @ Santosh Kumar Yadav Son of
Bindeshwari Yadav Resident of Village- Raghunathpur Uttar, Ward No. 13,
P.S.- Bhargama, District- Araria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pintu Kumar Patel, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr.Pintu Kumar Patel, learned counsel for

the petitioner and Mr.Syed Ehteshamuddin, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bhargama P.S. Case No.190 of 2023,
16.07.2023, registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 302,
504, 506, 120(B) of the Indian Penal Code and Section 27 of
the Arms Act.

3. According to prosecution case, all the accused
persons including the petitioner in furtherance of their
common object inflicted fatal assault to informant and other
injured and they made firing on the informant's family



intending their life by their fire arm as a result one Chandra Mohan Yadav died on spot due to fire shot injury and one Madhav Kumar succumbed to gunshot injury during course of treatment at Araria Hospital.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner and at best, the petitioner is only a member of the unlawful assembly and apart from that several co-accused, persons namely, Lalita Devi and others have been granted privilege of anticipatory bail by this Court vide order dated 02.04.2024 passed in Cr. Misc. No. 16862 of 2024.

5. Learned A.P.P. for the State, on other other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioner and several co-accused persons, namely, Lalita Devi and others have been granted privilege of anticipatory bail by this Court, let the



petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Araria in connection with Bhargama P.S. Case No.190 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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