

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21001 of 2024

Arising Out of PS. Case No.-338 Year-2023 Thana- RANIGANJ District- Araria

Santosh Kumar Bharti @ Ram Son of Mr. Yoga Nand Ram Resident of Ward No. 8, Koshkapur Uttar, P.S.-Raniganj, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Adv. Mr. Purushottam Kumar, Adv. Mr. Pravin Kumar, Adv.
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Rabindra Kumar Priyadarshi, Adv. Mr. Dheeraj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and learned APP for the State as also counsel for the Informant.

2. The petitioner seeks bail in connection with Raniganj P.S. Case No. 338 of 2023 instituted for the offences under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the allegation against the accused persons is that they armed with various weapons came at the house of the Informant and started knocking the door and when the Informant's son opened the door, in the meantime, co-accused Madhav Yadav @ Lat Sahab fired upon his son due to which he sustained gunshot injury and died on the spot.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has been dragged in this case on the basis of confessional statement of the co-accused persons. She further submits that neither the witnesses nor the Informant has taken the name of the petitioner and only on the basis of confessional statement, he has been dragged in the present case. Charge-sheet has been submitted in this case. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 23.08.2023.

5. Learned counsel for the petitioner again submits that co-accused Bhavesh Yadav @ Bhavesh Kumar has been granted bail by this Court vide order dated 30.01.2024 passed in Cr. Misc. No. 3815 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, submitting that one of the motorcycles used in the alleged occurrence belongs to the petitioner. The offence alleged is grievous in nature and, thus, the petitioner does not deserve bail.

7. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the co-accused having been granted bail by this Court, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Raniganj P.S. Case No. 338 of 2023.

(Rudra Prakash Mishra, J)

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