

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24700 of 2024

Arising Out of PS. Case No.-160 Year-2021 Thana- CHAKAI District- Jamui

Santosh Yadav @ Santosh Kumar Yadav Son Of Sri Murari Yadav Resident
Of Village - Sandhara, P.S. - Chakai, District - Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 14-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No.32 of 2024 arising out of Chakai P.S. Case No. 160 of 2021 dated 11.08.2021, lodged under Sections 302, 120(B) of the Indian Penal Code read with section 27 of the Arms Act.

3. As per the prosecution case, FIR has been lodged against two unknown accused persons against whom there is an allegation that they have killed the informant's son under a conspiracy.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that in the case diary, there are two witnesses who have



deposed against the petitioner stated in paragraph nos.23 and 24 of the case diary. Counsel further submits that specific allegation against the present petitioner made by those witnesses is that they have seen three persons talking together including the deceased and the present petitioner and subsequently, they heard the sound of firing and deposed in their statement under section 161 Cr.P.C. before the police that the deceased was fell down and rest two persons including the present petitioner, fled away from the said place. Counsel submits that from their statement, even if it is assumed to be true, then also they have not treated to be the eye-witness as they have not that seen that who fired, instead thereof, they have heard only the sound of firing.

5. Learned counsel for the petitioner further submits that at this stage, this is the only point in his favour. Counsel submits that charge has been framed in this case and no purpose shall be solved keeping the petitioner in custody particularly, when the criminal antecedent of the petitioner is clean. The petitioner is in custody since 22.08.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there were not only two witnesses, rather, other four witnesses were also there who have



heard the sound of firing and when reached on the place of occurrence, they found that the deceased fell down in injured condition. Counsel further submits that there is confessional statement, but the said confessional statement has not followed from any recovery.

7. In the present facts and circumstances of this case, let the petitioner above named be granted bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge, Jamui in connection with Sessions Trial No.32 of 2024 arising out of Chakai P.S. Case No. 160 of 2021, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

Divyansh/-

U		T	
---	--	---	--

