

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29272 of 2024

Arising Out of PS. Case No.-135 Year-2023 Thana- NAUTAN District- West Champaran

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Santosh Patel @ Dinesh Patel @ Santosh Kumar Patel @ Dinesh Kumar Patel
son of Nathuni Prasad @ Nathuni Patel R/v- ward no 13 near shiv mandir,
Sonsaraiya Ps- Mufassil Dist- West Champaran P/A, W.No-42, Village-
Sonsaraiya Ps- Muffassil Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vatsal Verma, Adv
For the State	:	Mr. Jharkhandi Upadhaya, APP
For the Informant	:	Mr. Aditya Nath Jha, Adv

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

7 13-09-2024 Heard learned counsel for the petitioner, learned APP

for the State and Mr. Aditya Nath Jha, learned counsel for the

informant.

2. Counter affidavit has been filed by Mr. Jharkhandi

Upadhaya, learned APP for the State.

3. The petitioner seeks bail in connection with

Nautan P.S.Case No. 135 of 2023 registered for the offence

punishable under Sections 307, 302, 120B, 147 and 149 of the

Indian Penal Code.

4 As per the prosecution case, the petitioner is

named in the FIR. He is one of the assailant but the deceased



has not named the petitioner in his dying declaration/ statement recorded in the mobile phone.

5. Learned counsel for the petitioner submits that the present I.O and SHO have filed an affidavit to the effect that petitioner is not involved in the crime. Earlier, the petitioner has granted provisional bail also

6. Considering the facts that petitioner has not named by the deceased as the assailant, this application is allowed.

7. Let the above named, petitioner is directed to 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 the learned Additional Sessions Judge-IV, West Champaran, Bettiah in Nautan P.S.Case No. 135 of 2023.

8. The Superintendent of Police , West Champaran is directed to take appropriate steps against the police officials , who had arrested the petitioner without proper investigation and without examining the dying declaration of the deceased which was available on mobile phone.

9. Action taken report shall be submitted by the Superintendent of Police, West Champaran within four weeks from today to this Court.



10. Let a copy of the order be communicated to the Superintendent of Police, West Champaran through FAX/ e-mail for its compliance.

(Sandeep Kumar, J)

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