

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39806 of 2024

Arising Out of PS. Case No.-451 Year-2021 Thana- GAYA MUFASIL District- Gaya

Santosh Chaudhary son of Late Kara Chaudhary Village- Manpur Bazar Ps-
Buniyad Ganj Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem,A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Muffasil P.S. Case No. 451 of 2021 registered for the offences
punishable under Sections 393, 302 of the Indian Penal Code
read with Section 27 of the Arms Act.

3. As per prosecution case, on one motorcycle two
unknown miscreants came and at the point of pistol demanded
mobile and money from the informant and driver of gas tanker.
When the informant protested the same, driver of motorcycle
fired upon the informant due to which informant sustained
injury and the pillion driver fired two-three rounds upon the
driver of the gas tanker namely Sunil Kumar due to which he
died.



4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. He further submits that the name of the petitioner has been transpired in this case upon the confessional statement of co-accused Prahlad Manjhi. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. No T.I.P. has been conducted up till now. No incriminating article has been recovered from the possession of the petitioner. Co-accused Prahlad Manjhi @ Pagla Manjhi upon whose confessional statement the name of the petitioner has been transpired in this case, has already been granted bail by this Court vide Cr. Misc. No. 55707 of 2022 and the case of present petitioner stands on better footing. Petitioner is in custody since 10.01.2024 and bears one criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, petitioner is not named in F.I.R, argument advanced on



behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Muffasil (Gaya) P.S. Case No. 451 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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