

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58227 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- ARA MUFFSIL District- Bhojpur

Santosh Kumar Yadav S/o- Lal Babu Yadav @ Lalbabu Yadav Village -
Diliyan, PS - Udwanthnagar, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-09-2024 Heard the parties.

2. The petitioner is in custody in connection with Ara Mufassil P.S. Case No. 150 of 2024 for the offence punishable under sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 21.05.2024 by the informant, Tejnarayan Singh..

3. As per the prosecution story, the informant alleged that while he was sitting with his son, Pintu Kumar, the petitioner came and took his son along stating that Neeraj Kumar Chaudhary with whom he had land agreement has called him. Further, allegation is that Ashok Kumar followed them at the orchard where a party was arranged and it is alleged that in the night, there was argument between Neeraj Chaudhary and his maternal brother and he demanded from his son Rs. 36,00,000/- as part of the land payments and it is alleged that thereafter on the command of Neeraj's maternal brother, Neeraj Chaudhary opened fire.



Ashok Kumar managed to escape but Pintu Kumar succumbed to the injuries. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that there was a party, he was asked by Neeraj Chaudhary to call Pintu Kumar, the petitioner had no knowledge nor there was anything planned in the night, spontaneous argument took place which led to the alleged killing, the FIR has clearly attributed the role to Neeraj Chaudhary, his only role was calling Pintu Kumar which was never with any criminal mindset and the last submission is that he do not have any criminal antecedent and is in custody since 23.05.2024 (paragraph-17 of the petition).

5. Learned APP opposes the prayer for bail submitting that it was the petitioner who called him.

6. Considering the fact as also the allegation, though this petitioner called him, the fact remains that the role of opening fire/killing the informant's son, Pintu Kumar has been attributed to Neeraj Chaudhary, he has remained in custody since 23.05.2024 and has no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-VII, Bhojpur at Ara/concerned Court, in connection with Ara Mufassil



P.S. Case No. 150 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

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

(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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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