

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75708 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- DARPA District- East Champaran

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Santosh Kumar @ Santosh Kumar Gupta Son Of Late Vishwanath Sah @
Late Vishwanath Prasad Resident Of Village- Belahiya, P.S.- Darpa, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra

For the Opposite Party/s : Mr.Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 302, 201, 34
of the Indian Penal Code.

3. As per prosecution case, the informant alleged that
on 23.8.2023, her husband went with the petitioner but did not
return. On the next day, dead body of the informant's husband
was recovered near Paras River and his neck was wrapped with
gamcha. It is further alleged that the petitioner is indulged in
hatching conspiracy to kill the informant's husband in
connivance with others.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case on the basis of suspicion. No one is eye witness of the alleged occurrence. It is also submitted that expect suspicion, there is nothing incriminating against the petitioner and going on the face value of the allegation itself, it is highly improbable for petitioner who was planning to kill the deceased and he himself goes to pick him from his house. It is also submitted that vide para 11 & 12 of the petition that the informant herself confessed that she made conspiracy to kill her husband/deceased by paying money to other persons namely, Vivek, Vishal, Sanjay and Krishna Kumar. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and he is languishing in judicial custody since 25.8.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Darpa P.S. Case No. 104 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Sub Divisional Judicial Magistrate, East Champaran at
Motihari.

(Sunil Kumar Panwar, J)

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