

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86171 of 2023

Arising Out of PS. Case No.-504 Year-2023 Thana- BARAUNI District- Begusarai

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Santosh Kumar @ Chuhwa @ Santosh Mahto S/o Birmani Mahto R/o village-
Simariyaghat Bind Toli, Ward No.13, P.S-Barauni, (Chakia O.P), District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Adv.

For the Opposite Party/s : Ms.Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Barauni (Chakia) PS Case No. 504 of 2023 dated 26-09-2023,
instituted under Sections 307, 353/34 of the IPC and Sections
25(1-B)A 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that one person
fired from a Scorpio and fled away towards Kasya Diara. When
the raiding team, on information, reached near the place of
occurrence found four persons were sitting on the Scorpio. The
police apprehended four persons, namely Rajesh Kumar, Sanjay
Singh, Santosh Bind and Congress Singh. It is alleged that one
country made loaded pistol was recovered from possession of



Sanjay Singh and five mobiles were recovered from the remaining apprehended persons. It is further alleged that the villager disclosed the name of the petitioner as the person who had fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that petitioner was not apprehend at the spot. No incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that the petitioner has been made accused in this case only on the basis of disclosure made by the villagers. It is next submitted that due to past criminal history, the petitioner has been made accused in this case. There is eight criminal cases pending against the petitioner since before.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Begusarai, in Barauni (Chakia) PS Case No. 504 of 2023,



subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

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