

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6776 of 2025

Arising Out of PS. Case No.-479 Year-2022 Thana- KAUWAKOL District- Nawada

SANTOSH KUMAR S/o KIRAT DAS R/o Village- Jalla, P.S.- Kauwakol
(Rupo O.P.), District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Chandra Shekhar Anand, Adv.
For the informant	:	Mr. Pramod Kumar Verma, Adv.
For the Opposite Party/s	:	Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-03-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kauwakol (Rupo O.P.) P.S. Case No. 479 of 2022 dated 28.08.2022 registered for the offences punishable u/ss 147, 148, 149, 341, 323, 324, 307, 379, 325 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, when the informant along with Mukesh Kumar (brother of his brother-in-law) were returning from Rupow Bazar by motorcycle and they reached at Benipur Basedi, suddenly, the accused persons named in the F.I.R. attacked on them. The petitioner assaulted the informant with axe on his head with intention to kill him. The co-accused,



Subodh Kumar assaulted the informant with axe on his body and Sachin Kumar assaulted Mukesh Kumar with axe on his head due to which they sustained injuries. The co-accused, Vikash Kumar fired from pistol which hit the informant in his leg and he also fired in the air, both of them became injured and fell down. It is further alleged that the co-accused, Vikash Kumar snatched golden chain of Mukesh Kumar and the co-accused, Punam Devi took Rs. 27,000/- from the pocket of the informant. Thereafter, the injured were taken to the hospital for treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a case and counter case between the parties. The occurrence took place on 22.08.2022 but the F.I.R. was lodged on 26.08.2022 and there is no explanation for this delay. Nothing has been recovered from the conscious possession of the petitioner. As per the injury report of Pankaj Kumar, he received injuries on his head, left shoulder, right elbow and the opinion of the said injuries has been kept reserved. In the second injury report of Pankaj Kumar, the injury is stated to be grievous in nature. Learned counsel has further submitted that there is no injury report of Mukesh Kumar whether it was simple or grievous in nature. The petitioner has clean antecedent as stated



in para 3 of the bail petition. The petitioner is in custody since 15.10.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Nawada in connection with Kauwakol (Rupo O.P.) P.S. Case No. 479 of 2022 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

