

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12991 of 2025

Arising Out of PS. Case No.-138 Year-2023 Thana- CHIRAIYA District- East Champaran

Santosh Yadav Son of Late Sukdar Rai @ Late Subadar Rai @ Sukdeo Rai
Resident of Village- Saraugarh @ Saraugadh, P.S.- Chiraiya, Distt.- East
Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-02-2025 Heard Mr. Sunil Kumar No.III, learned counsel for

the petitioner and Mr. Anuj Kumar Shrivastava, learned A.P.P.

for the State.

2. The petitioner seeks bail, who is in custody since
03.09.2024, in connection with Chiraiya P.S. Case No. 138 of
2023, FIR dated 26.03.2023 registered for the offence under
Sections 302/34 of the Indian Penal Code.

3. As per the prosecution case, there is allegation
against the petitioner and others that he has committed murder
of the daughter of the informant.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and he has falsely been implicated in this case. He
further submits that the allegation as alleged in the FIR is false
and fabricated and the petitioner has not committed any offence



as alleged in the FIR and the petitioner is cousin brother of the deceased's husband. He further submits that from a bare perusal of the FIR it appears that that there is no specific allegation of any assault of any assault or overt act or demand of dowry attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that similarly situated other co-accused person, namely, Vinesh Yadav has already been granted bail by this Court vide order dated 18.09.2024 passed in Cr. Misc. No. 39331 of 2024. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 03.09.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that the petitioner has clean antecedent, there is no specific allegation of any assault or overt act against the petitioner and similarly situated other co-accused person has been granted bail by this Court, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial



Magistrate 1st Class, Sikrahna at Dhaka, East Champaran in connection with Chiraiya P.S. Case No. 138 of 2023 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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