

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15449 of 2025

Arising Out of PS. Case No.-72 Year-2024 Thana- CHACKMEHSI District- Samastipur

Santosh Das S/O Baidhnath Das @ Baidyanath Das Resident of Village-
Dadhiya, P.S- Chakmehashi, Distt.- Samastipur. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raja Ram Mishra, Advocate
For the State	:	Ms. Sucheta Yadav, APP
For the Informant	:	Mr. Rabish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner is in judicial custody in connection with Chakmehasi P.S. Case No. 72 of 2024 for the offence punishable under sections 341, 323, 447, 302, 504 and 34 of the Indian Penal Code lodged on 26.05.2024 by the informant, Uday Shankar.

3. As per prosecution story, the informant alleged that he along with other members was sleeping in the night. When he heard the sound, came out and saw the accused persons assaulting his brother Girishankar @ Kakku (since deceased). When the informant tried to save him, he was also assaulted. On alarm, the younger brother Gaurishankar and niece Diksha Kumari came and they also faced the brunt of the said assault. The Emergency no. 112 was called, police came, they were



taken to the Primary Health Centre, shifted to Sadar Hospital and then referred to Darbhanga Medical College Hospital where his brother Kakku died on 26.05.2024. This led to the FIR.

4. Learned counsel for the petitioner submits that though he has been named in the FIR, the allegation is omnibus in nature and nothing specific has come against him. He further submits that one of the similar situated person Mahesh Sahni@ Mahesar Sahni whose name subsequently came during the course of investigation has been granted relief by a co-ordinate Bench of this Court in Cr. Misc. No. 69062 of 2024.

5. Learned counsel for the informant opposes the prayer for bail and submits that not only he has criminal antecedent, he took active part in the assault which led to the death of the brother of the informant namely, Girishankar.

6. Considering the submissions of the parties as also the fact that the allegation against the petitioner is omnibus in nature, he has been under custody since 16.11.2024, one of the co-accused has been granted bail, in that background, 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) with two sureties of like amount each to the satisfaction of learned J.M.-1st Class,



Samastipur, in connection with Chakmehasi P.S. Case No. 72 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)

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