

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20945 of 2025

Arising Out of PS. Case No.-197 Year-2024 Thana- SAHPUR District- Patna

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Santosh Rai @ Santosh Kumar @ Santosh Kumar Rai S/o Sakaldev Rai R/o
Village- Madhopur, P.S.- Sahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs.Prabha Mishra, Advocate
For the State	:	Mr.Binod Kumar, APP
For the Informant	:	Mr. Dheeraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 06-08-2025 Heard learned counsel for the petitioner and

learned APP for the State as well as learned counsel appearing

on behalf of the informant.

2. In the present case, the petitioner seeks bail in

connection with Shahpur P.S. Case No. 197 of 2024 registered

for the alleged offences under Section 302/34 of the Indian

Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner and three

other co-accused persons riding on a motorcycle came at the

place where the brother of the informant has been milking the

cow and fired upon him. The brother of the informant received

gun shot injury and died on the spot.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR it is apparent that the informant is not an eye witness. Admittedly, he reached at the spot on hearing the sound of firing. His conduct is not normal as instead of taking care of his brother, he ran after the assailants. Learned counsel further submits that it is not believable that four persons were riding one motorcycle. Learned counsel further submits that, moreover, there is no allegation of opening fire against this petitioner and the allegation of firing is specific against co-accused Nitish Kumar. The false allegation has been levelled against the petitioner due to personal enmity and there is no material to show the involvement of the petitioner in the present case except making a bald allegation that he was also with the co-accused persons. The petitioner was not present at the place of occurrence. The petitioner is having clean antecedent. The petitioner is in custody since 24.12.2024 and charge sheet has been submitted.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the informant has named the



petitioner and other three co-accused persons, who came at the spot and opened fire upon the brother of the informant, who died due to gun shot injury. Learned counsel further submits that the charges are yet to be framed in this case.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation of firing against this petitioner which is specific against co-accused and further considering the lack of substantive material against the petitioner, period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Danapur/concerned Court in connection with Shahpur P.S. Case No. 197 of 2024, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the



court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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