

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30173 of 2025

Arising Out of PS. Case No.-644 Year-2022 Thana- FATUA District- Patna

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Santu Yadav @ Santu Rai Son of Late Joga Yadav Resident of Village -
Malbigha, P.S.- Fathua, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2025 Heard Mr.Manoj Kumar Pandey, learned counsel for
the petitioner and Mr.Lalan Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
05.02.2025 in connection with Fathua P.S. Case No. 644 of
2022, F.I.R. dated 05.09.2022 registered for the offence
punishable under Sections 302/34 of IPC.

3. The prosecution case in short is that the petitioner
alongwith other co-accused persons killed the husband of the
informant by iron rod and stick. They were killed the husband of
the informant with common intention.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Although the
petitioner is named in the FIR but from a bare perusal of the FIR



it transpires that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and apart from that, co-accused persons, namely, Dharmsheela Devi @ Dharmshila Devi, Pappu Rai @ Pappu Yadav and Bhola Yadav, against whom the similar allegation, have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 05.05.2023, 20.07.2023, and 07.07.2023 passed in Cr. Misc. Nos.70715 of 2022, 21005 of 2023 and 38350 of 2023 respectively and the petitioner is in custody since 05.02.2025.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioner and similarly situated co-accused persons have been granted bail by different Coordinate Benches of this Hon'ble Court, let the petitioner, above named, 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 A.C.J.M.-II, Patnacity, Patna in connection with Fathua P.S. Case No. 644 of 2022, 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 cancelled 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.

(III) 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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