

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32652 of 2025**

Arising Out of PS. Case No.-222 Year-2024 Thana- MALI District- Aurangabad

Santosh Kumar Yadav, aged about 30 years, Gender-Male, S/O Dashrath Yadav, R/O Village- Ankorha, P.S- N.T.P.C. Khaira, Distt.- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shambhu Prasad Yadav, Advocate
For the Informant : Mr. Pramendra Kumar Singh, Advocate
For the State : Mr. Pramod Kumar Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 12-08-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Mali P.S. Case No. 222 of 2024 dated 01.12.2024 registered for the offences punishable under Sections 103(1), 61(2) read with Section 3(5) of the B.N.S., 2023 and Section 27 of the Arms Act.

3. As per the prosecution case, on 30.11.2024 at about 4.30 P.M., the informant alongwith his father, namely, Sanjay Kumar Singh, was going on a four wheeler vehicle and at about 6.15 P.M., they reached near at Sonaura Pool, three persons riding on a motorcycle came there and asked from his father about ‘what happened ?’. In the meantime, three persons riding



on an Apache Motorcycle also came there and the pillion rider opened fire on the head of the informant's father leading to his death on the spot. In the light of vehicle's indicator, the informant identified the persons who opened fire on his father as Rakesh Giri and Mantu Yadav who was sitting with him and the persons who were sitting on another motorcycle as Kamlesh Mehta and Sanjay Giri. The drivers of both the motorcycles were wearing Helmet as such they could not be identified. Rakesh Giri said to the informant that 'Bole The Na Khoon Ka Aashu Rona Hoga.' then the informant in order to save his life ran away towards a paddy field after opening the door of the vehicle and the accused persons opened fire thrice on him.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. It is further submitted that during the course of investigation, the Investigating Officer had examined several witnesses and they have not named the petitioner in the alleged offence. No incriminating article has been recovered from the possession of the petitioner. The name of the petitioner has come in the present case only on the basis of the confessional statement of the co-accused persons, namely, Kamendra Kumar



Singh and Satyajit Giri @ Satyajeet Giri @ Babu Satya which has got no evidentiary value in the eyes of law. The petitioner has land dispute with the co-accused person, namely, Kamendra Kumar Singh and due to this reason, he has named the petitioner in the present case. The petitioner has no concern with the alleged offence. There is no allegation of firing on the deceased against the petitioner. There is specific allegation against the co-accused Rakesh Giri and Mantu Yadav who shot dead the deceased. It is further submitted that the other co-accused persons, namely, Kamendra Kumar Singh and Satyajit Giri @ Satyajeet Giri @ Babu Satya have already been granted bail by a Bench of this Court in Cr. Misc. No. 19270 of 2025 vide order dated 16.07.2025 and Cr. Misc. No. 21742 of 2025 vide order dated 30.07.2025. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 20.03.2025.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner. Learned counsel for the informant has submitted that the co-accused Satyajit Giri in his confessional statement has stated that the petitioner was providing location of the deceased Sanjay Kumar Singh to the co-accused Rakesh Giri and this fact



has been admitted by the petitioner in his confessional statement.

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 J.M. Ist Class, Aurangabad in connection with Mali P.S. Case No. 222 of 2024 with further conditions:-

(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 bonds of the petitioner are liable to be cancelled.

II. The petitioner is directed to co-operate in the trial.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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