

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57201 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- BADHAILA District- Rohtas

Santosh Singh, aged about 50 years, Male, son of Late Kamuna Singh,
resident of village- Pachpokhari, P.S.- Baghaila, Dist- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bindhyachal Singh, Sr. Advocate, Mr. Vipin
Kumar Singh, Advocate and Mr. Kumar Awnish
Ankit, Advocate

For the Opposite Party : Mr. Kumar Veerendra Narayan, A.P.P.

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

ORAL ORDER

4 17-02-2025 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Baghaila P.S. Case No. 71 of 2024 dated 27.03.2024 registered
for the offences punishable under Section 365 of the I.P.C. Later
on, Sections 302, 201 and 120B of the I.P.C. were also added.

3. As per the prosecution case, on 26.03.2024 at about
9.00 P.M., the father of the informant went to call of nature from
his house but he did not return. The informant and his family
members searched him but he could not be traced out.

4. Learned senior 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. His name has come in the present case on the basis of the confessional statement of the co-accused Munni Kunwar wherein she has stated that the deceased came to her house and her relatives came to know about the same and apprehended the victim and thrashed him as her family members were against the illicit relationship which was continuing between her and the deceased. Even she in her confessional statement has not made any specific allegation or averment against the petitioner. Her confessional statement has got no evidentiary value in the eye of law. There is land dispute between the parties. The postmortem of the deceased was conducted and the doctor has found the cause of death is 'Cardio Respiratory arrest due to shock'. There is no eye witness to the alleged offence. Vide order dated 20.11.2024, a report regarding the stage of the trial was called for from the learned court below. In pursuance thereof, the learned Additional Sessions Judge-IIInd, Rohtas at Sasaram, vide its Letter No. 47 dated 04.12.2024, sent a report with regard to the stage of the trial in which it has been reported that the trial has already been commenced against the petitioner and the other accused person and the present case is pending for prosecution



evidence. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 31.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

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 S.D.J.M., Sasaram in connection with Baghaila P.S. Case No. 71 of 2024 with further condition:-

(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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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