

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65625 of 2025

Arising Out of PS. Case No.-1539 Year-2022 Thana- PHULWARISHARIF District- Patna

Santosh Kumar @ Bakariya, aged about 37 years, Male, Son of Sabha Ray,
Resident of - Kagji Mohalla Mitran Chak, P.S.- Danapur, District - Patna, At
present resident of Danapur Cantt., Danapur, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Anjali Kumari, Advocate
For the Opposite Party : Mrs. Rita Verma, A.P.P.

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

ORAL ORDER

2 27-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Phulwarisharif P.S. Case No. 1539 of 2022 dated 14.12.2022
instituted for the offences punishable under Sections 396, 397,
of the I.P.C. and Section 27 of the Arms Act in which charge
sheet has been submitted for the offences punishable under
Sections 396, 397, 412, 413 of the I.P.C. and Sections 25(1-b)a,
26, 27 and 35 of the Arms Act against the petitioner and the
other co-accused persons.

3. The prosecution case, in brief is that on 13.12.2022
at about 9:40 pm, while informant was sitting in his friend's
room, namely, Rajiv Ranjan @ Mantu, three unknown



miscreants with guns entered the room and tried to snatch golden chain from the said friend. When the informant's friend tried to take out his pistol, one of the miscreants fired gun shot on him. Thereafter, the said friend's father came to the place of occurrence, miscreants fired gun shot on him as well. It is further alleged that another three miscreants tried to enter the house and they fired gun shot to the said friend's brother. All three victims were grievously injured and taken to the hospital, where Rajiv Ranjan @ Mantu was declared dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is further submitted that the F.I.R. has been lodged against six unknown persons. The petitioner is not named in the F.I.R. and his name has come in the present case only on the basis of the confessional statement of the co-accused Mithilesh Kumar @ Chiwla and Rajesh Kumar @ Natole made before the police which has got no evidentiary value in the eyes of law. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that the alleged occurrence took place on 14.12.2022 and the F.I.R. has also been lodged on the same day but the same was sent to the learned court below on 22.12.2022 and for such a delay, no explanation has been



given which creates serious doubt about the prosecution case. The petitioner has no concern either with the alleged offence or with the co-accused persons. The petitioner has been remanded in the present case from Dhanarua P.S. Case No. 594 of 2024 on 03.09.2024 and since then he is in custody. It is further submitted that the other co-accused persons, namely, Naroj Kumar @ Bhokana @ Mukha @ Naroj Kr. Bhokna in Cr. Misc. No. 41646 of 2023 vide order dated 14.07.2023, Mithilesh Kumar @ Chibla @ Mithilesh Kumar @ Chiula in Cr. Misc. No. 67677 of 2023 vide order dated 18.10.2023, Kundan Kumar in Cr. Misc. No. 82746 of 2024 vide order dated 29.11.2024, Nischay Kumar @ Raju @ Vikrant Rai in Cr. Misc. No. 14745 of 2025 vide order dated 28.02.2025 and Sujit Kumar in Cr. Misc. No. 49277 of 2024 vide order dated 29.11.2024 have already been granted bail by a Bench of this Court as well as by another Co-ordinate Bench of this Court, annexed as Annexure-P/2 series to the present bail application. The petitioner has twelve (12) criminal antecedents and in four cases, he is on bail. The petitioner is in custody since 03.09.2024 in this case.

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

6. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Patna in connection with Phulwarisharif P.S. Case No. 1539 of 2022 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) If the petitioner is found involved in any other criminal case in future, his bail bond is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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