

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72486 of 2024

Arising Out of PS. Case No.-300 Year-2024 Thana- NAUBATPUR District- Patna

Santosh Kumar @ Santosh Paswan Son of Subhash Paswan Resident of
Village- Savarchak, P.S- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Danish Raja

For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-01-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 342,
323, 307, 302, 379, 427 and 504 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that his son (deceased) on 29-5-2024 at 10:00 PM was
returning home from office by his car, further at 11:00 PM his
son met Sachin, who also boarded the car, but they did not reach
home, further on 30-5-2024 at 4:00 AM, Pappu called and
informed that Sudhir (deceased, son of the informant) and
Sachin have been brutally assaulted by villagers on suspicion of
being thieves, accordingly the informant reached the police



station and took both the injured for treatment to hospital, from where Sudhir was referred to P.M.C.H, where he died during the course of treatment. It is next alleged that Sachin disclosed that on 30-5-2024 at 12.20 AM, they stopped at the shop of Laldeo Pandit for purchasing *shikhar*, the son of Laldeo Pandit, namely Mukesh, said first to pay, then only he will give *shikhar*, further after receiving money, Mukesh said that he does not have *shikhar*, on which an altercation took place, thereafter Mukesh and his mother, Ramuna, started raising alarm of thief, on which nine named accused persons, including the petitioner along with ten unknown accused gathered variously armed and stopped the car and brutally assaulted by *lathi*, *danda*, iron rod, bricks etc. and also damaged the vehicle, thereafter, petitioner pulled Sachin and Mukesh pulled Sudhir out of the car and all the accused assaulted brutally causing injury on head and body and took them near *Panchayat Bhavan*, where husband of *Mukhiya*, Pappu Singh came, but he also did not intervene to save them, hence alleges that on account of assault his son died.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that there is no specific allegation of assault alleged against the petitioner. It is submitted that



specific allegation of pulling out Sudhir (deceased) is against Mukesh and the petitioner is alleged to have pulled out Sachin from the car and thereafter it is alleged that all the accused assaulted them brutally.

5. The learned counsel for the petitioner next submits that petitioner and Sudhir were known to Sachin and the deceased, as such, when they saw them, they tried to pull them out of the car fearing that irritated villagers in the name of thief may put the car on fire, but before they could pacify the villagers, the villagers started assaulting Sachin and the deceased. It is next submitted that had the petitioner any intention of committing the occurrence in that event he would not have pulled out Sachin from the car fearing that he will identify him.

6. Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the submissions made by the learned counsel for the petitioner, is his figment of imagination, as the same has not been pleaded in the anticipatory bail application. It is next submitted that there is specific allegation against this petitioner of pulling out Sachin and against Mukesh of pulling out Sudhir from the car and thereafter the villagers are alleged to have assaulted them in the



name of thief. It is also submitted that had the petitioner and Mukesh not pulled out Sachin and the deceased from the car, they might have been saved, on which the learned counsel appearing on behalf of the petitioner reiterates his submission and submits that since Sachin was known to the petitioner and Mukesh and if petitioner and Mukesh had any intention of committing the occurrence then they would not have got themselves identified by Sachin.

7. At this stage, the learned APP for the State submits that if privilege of regular bail is granted to the petitioner, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner is in custody since 31.05.2024 and is not alleged to have pulled the deceased out of the car and he will not abscond rather will cooperate in the trial to prove his innocence.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Naubatpur P.S. Case No. 300 of 2024.



9. One of the bailors of the petitioner shall be his father, Subhash Paswan.

10. However, it is made clear that if the learned Trial Court comes to a conclusion that petitioner, after his release, is trying to delay the trial in any manner, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith after recording reasons.

(Satyavrat Verma, J)

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