

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87507 of 2024

Arising Out of PS. Case No.-141 Year-2022 Thana- DIDARGANJ District- Patna

Santosh Kumar Son of Kapildev Ray Resident of Village- Didarganj
Dharmshila Check Post, P.S.- Didarganj, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anjali, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-03-2025 Heard Ms. Kumari Anjali, learned counsel for the

petitioner, Mr. Madhura Nand Jha, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.06.2022 in connection with Didarganj P.S. Case No. 141 of
2022, F.I.R. dated 01.06.2022 for the offences punishable under
Sections 302 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioner
alongwith other co-accused killed the son of informant by
stabbing him.

4. Earlier the bail application of the petitioner has been
rejected vide order dated 18.04.2023 in Cr. Misc. No. 69920 of
2022. Thereafter, petitioner filed another application vide Cr.
Misc No. 85792 of 2023 in 09.02.2024 which was rejected by



co-ordinate bench of this Court with a directing the Trial Court to dispose of the trial within 6 months with a liberty to the petitioner to renew the prayer of bail. Since the trial was not concluded hence petitioner filed third application vide Cr.Misc No. 68813 of 2024 which was dismissed as withdrawn vide order dated 20.09.2024 by the learned Court below.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The allegation levelled against the petitioner is false and fabricated.

6. Vide order dated 10.01.2025, a report was called with regard to the present stage of trial. Report of the learned trial Court dated 05.02.2025 reveals that, out of four witness only one witness has been examined as yet.

7. Learned counsel for the petitioner submits that in view of the trial report, the trial is not likely to be concluded in near future and the petitioner is in custody since 03.06.2022 i.e. more than two and half years.

8. The Additional Public Prosecutor vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that petitioner along with other accused person inflicted knife blow due to which the son of



informant sustained injury. Apart from that, the petitioner and other accused persons have also confessed their guilt and the knife and blood stained cloth were also recovered from the house of petitioner. The petitioner has got one criminal antecedent other than the present one but fairly submits on the basis of the supplementary affidavit filed on behalf of the petitioner that the petitioner is on bail in the pending case.

9. Considering the aforesaid facts, report of the learned trial court and the period of custody, 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 the learned 1st Additional Sessions Judge, Patna City, Patna in connection with Didarganj P.S. Case No. 141 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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