IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42437 of 2026

CNR No. BRHC010614582026

Arising Out of PS. Case No.-297 Year-2023 Thana- AMNAUR District- Saran

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Santosh Ram @ Santosh Kumar @ Musha @ Musa @ Musha Ram Son of Bhola Ram Resident of Village- Basantpur Bangla, P.S.- Amnaur, District- Saran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Basant Kumar Singh, Advocate
: Mr. Vishesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 06-11-2026 Heard Mr. Basant Kumar Singh, learned counsel for the petitioner and the State.

2. The petitioners are in custody in connection with Amnaur P.S. Case No. 297 of 2023 for the offence punishable under Sections 393, 307, 302 and 120(B) of the Indian Penal Code and 27 of the Arms Act lodged on 29.11.2023 by the informant, Kamlesh Rai.

3. As per the prosecution story, the informant alleged that while returning from his in-laws village on a motorcycle, he was chased by a Honda Shine motorcycle and as he tried to save himself/motorcycle, they opened fire causing injury in his chest. They later escaped with his motorcycle which led to the FIR.

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The informant subsequently succumbed to the injury and as such, beside the other sections of the IPC, 302/120(B) of the IPC was added later on.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that out of three persons against whom allegation has been made, so far as the opening of fire is concerned, it has been attributed to a person with six feet height and around 25 years of age who has been recognised as Prabhat Rai and is now in custody. Further, the trial has not been concluded. An undertaking has been given that if granted relief, he shall be diligently appearing in trial and no circumstance and without plausible reason shall absent to delay the trial. Failure to do so, in case, relief is granted, the State shall be free to take immediate for the cancellation of bail bonds. The last submission is that petitioner is in custody since 11.01.2024 after having taken on remand from Amnaur P.S. Case No. 300 of 2023 in which he went to jail on 03.12.2023.

5. Learned APP opposes the prayer for bail submitting that though allegation of opening fire is on Prabhat Rai, he was also one of the accomplish and is also having criminal antecedent.

6. Taking into account the submission of the parties as

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also his period of custody, the trial is on, undertaking has been given that if granted relief, he shall be diligently appearing in trial and under no circumstance and without plausible reason shall absent to delay the trial. Failure to do so, in case, relief is granted, the State shall be free to take immediate for the cancellation of bail bonds, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-10, Saran at Chapra in connection with Amnaur P.S. Case No. 297 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

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(iv) the petitioner shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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