

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84200 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- DHIBRA District- Aurangabad

Santosh Kumar Son of Late Ram Lakhan Ram R/vill - Mohalla Chaudhary
Gali, Rafiganj, P.S.- Rafiganj, Distt- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shrishti Rani

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 11-02-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dhibra P.S. Case No. 69 of 2025, F.I.R dated 06.08.2025 registered for the offences punishable under Sections 319, 318(4), 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, Sub-Divisional Lok Sikayat Padadhikari, through Letter No. 82 dated 31.07.2025, recommended institution of a case based on a complaint made by Jamuni Devi. She alleged that Rs. 15,000 was illegally demanded and taken from her in connection with the mutation of her land. It is further alleged that the amount was transacted through the pay-phone of Santosh Kumar, a clerk, and Mani Prasad, who acted as a middleman (bichaulia). On the basis of this report and allegations of illegal gratification in the mutation



process, the present case has been instituted.

4. Learned counsel for the petitioner submits that the allegation of *Smt. Jamuni Devi* with regard to taking illegal bribe of Rs. 15,000/- in lieu of mutation of his land gets falsified as the application for mutation was twice been rejected. There was no occasion for this petitioner to have asked for bribe for getting mutation of the land due in her favour. It is next been submitted that the petitioner has been suspended from service and has been placed under departmental proceedings, even though, the allegations of bribe has not been found to be *prima facie*, true the petitioner is ready to co-operate with the investigation and would not tamper the evidences. This Court on 23.12.2025, had sought for the enquiry report based on which the complicity of this petitioner was found and First Information Report is said to have been lodged against this petitioner. Despite directions issued by this Court, no such report has been placed on record, by the Learned Additional Public Prosecutor for cancellation of bail application petition.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the fact that the petitioner has already been suspended in departmental enquiry and the enquiry report



based on which, the allegations are said to have been found against this petitioner has not been placed despite order passed by this Court to show his complicity. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 ACJM-IV, Aurangabad in connection with Dhibra P.S. Case No. 69 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

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

(ii) the petitioner(s) 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/her/their bail bond by the Trial Court itself;



(iii) the petitioner(s) 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;

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

(Ajit Kumar, J)

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