

In the Court of Sessions Judge, East Champaran at Motihari.

Present:-

Abhishek K. Das
Sessions Judge,
East Champaran at Motihari

Bail Petition No. 1624 of 2026

Santosh Kumar, aged about 36 years, S/o- Dhruv Sah.

R/o village- Chhotka Tuniya, P.S. Manuapul, District- West Champaran.

-----**Petitioner.**

Versus

The State of Bihar

-----**Opposite party.**

Counsel for the Petitioner :- Sri Bashishth Prasad, Advocate.

Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

01.07.2026

This bail petition is filed on behalf of the petitioner, namely, **Santosh Kumar**, who is in judicial custody since 13.05.2026 in connection with Pakridayal P.S. Case No.110/2015 u/ss 302, 120, 120(b) of Indian Penal Code.

In para-2 of the bail petition, it is mentioned that earlier the petitioner has preferred A.B.P. No.427/2026 in this court and the same was rejected, then he preferred an anticipatory bail petition before the Hon'ble Patna High Court vide Cr. Misc. No.28090 of 2026 which has been dismissed as withdrawn with an observation, except that no other regular or anticipatory bail petition has been filed on behalf of the petitioner either in this court or before the Hon'ble Patna High Court. As per para-3 of the bail petition, the petitioner has no criminal antecedent except (1) Bairiya P.S. Case No.229/2015. As per para-4 of the bail petition, the petitioner surrendered before the learned court below on dt. 13.05.2026 and since then he is in judicial custody.

The prosecution case, in brief, is that on 07.08.2015 at about 08:30 A.M., the informant received an information that a dead body of an unknown person is lying in the *litchi* orchard of one Bhairo Prasad. Thereafter, the informant went there and found that a dead body is lying there which has been murdered by slitting his throat, and blood stains were also found there. The informant claims that some unknown persons have committed murder of the deceased by slitting his neck.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has committed no offence and has falsely been implicated in this case. The allegations whatsoever levelled against the petitioner are out and out false and concocted. The petitioner is neither named in the F.I.R. nor he was arrested at the spot and nothing incriminating articles

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has been recovered from his possession. The name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Chandan Singh and Sonalal Kumar.

The learned Public Prosecutor appearing on behalf of State opposed the prayer for bail.

Heard both sides and perused the certified copy of F.I.R., case diary as well as documents available on record. As per F.I.R., there is allegation that one Shatyam Pandey was murdered by some unknown person. As per para-22 of the supplementary case diary, petitioner and his friend Sunil Kumar are said to be the seller of motorcycle of deceased, which was looted from the deceased after committing his murder. The record reveals that Cr. Misc. No.28090 of 2026 preferred by the petitioner before Hon'ble Patna High Court which was dismissed as withdrawn with a liberty to move the trial court and the trial court shall pass an order considering that the co-accused has been allowed bail. The co-accused Md. Tabrej Mian, Chandan Singh, Pinki Kunwar @ Ravindra Singh and Dippu Singh @ Dippu Kumar have been granted regular bail by the Hon'ble Patna High Court vide Cr. Misc. Nos. 30873 of 2017, 42483 of 2017, 57999 of 2017 and 34484 of 2024 respectively and the case of the petitioner stands on lesser footing to that of co-accused persons who have been granted regular bail by the Hon'ble Patna High Court. As per para-3 of the bail petition, the petitioner has criminal antecedent vide (1) Bairiya P.S. Case No.229/2015 u/s 414 I.P.C. In the entire case diary no entry was made regarding criminal antecedent of the petitioner.

In the facts of the case as discussed above and the detention period of the petitioner as well as considering the fact that other co-accused persons have been granted regular bail by the Hon'ble Patna High Court, I am inclined to enlarge this petitioner on bail. Accordingly, the petitioner, namely, **Santosh Kumar** is ordered to be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned court in the aforesaid case, subject to condition that the petitioner shall co-operate in the trial, subject to further conditions as laid down under section 437(3) Cr.P.C.

Let a copy of this order be communicated to the Superintendent of Police, East Champaran at Motihari to take necessary action against the erring I.O. for non-submission of criminal antecedent of the petitioner/accused in the case diary.

(Dictated)
sd/-
Sessions Judge
East Champaran at Motihari
01.07.2026