

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22127 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -SHRIKRISHNAPURI District- PATNA

1. Ganesh Kumar Rai @ Ganesh Rai Son of Late Anupam Rai Resident of
Mohalla- Rajapur Mainpura Milki Pakartar, Police Station- Payliputra,
District- Patna Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Pradip Narayan Kr.(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-07-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Sri Krishnapuri P.S. Case No. 12 of 2016 registered for the offences punishable under Sections 302, 34, 120B of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, from Ravi Kant ransom was taken by co-accused Durgesh Sharma in the year 2015, for that no complaint was filed, thereafter, on 16.01.2016 Ravi Kant was shot by the petitioner, two other FIR named accused persons and unknown, resulting, he was declared dead at PMCH.

Submission is of false implication and that though the petitioner is named in the FIR but the informant is not an eye witness which is evident from his further statement recorded in



paragraph 21 of the case diary as the informant went there after receiving the information regarding shooting and nearby persons told the name of the petitioner and others but during investigation no person of surroundings of alleged place of occurrence was examined by the Police, the name of the petitioner has further been taken in the confessional statement of co-accused Munchun Rai which also appears not reliable as the confessional statement of Munchu Rai is alleged to be recorded on 17.01.2016 vide paragraph 33 of the case diary but from paragraph 57 it reveals that on 19.01.2016 the petition was filed in the court below for remand of Munchun Rai and accordingly, production warrant was issued vide paragraph 58 of the case diary and as such the confessional statement is not reliable and further the same has got no evidentiary value in the eye of law and also the same has been recorded forcibly, nothing has been recovered from possession of the petitioner and further from the confessional statement also it reveals that one Karmu Rai is the assailant. The petitioner is suffering in custody since 17.01.2016 and as such he deserves sympathetic consideration to which the learned APP opposes by submitting that the petitioner has got criminal antecedent.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail

bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Pravin Kumar Singh, J. M. Ist Class, Patna in connection with Sri Krishnapuri P.S. Case No. 12 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)

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