

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46277 of 2018

Arising Out of PS.Case No. -72 Year- 2011 Thana -BARGANIA District- SITAMARHI

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1. Ganesh Yadav @ Ganesh Rai, Son of Ram Bharos Rai, Resident of
Village- Masha Narottam Punarwas, P.S.- Bairganja, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-09-2018 Heard the parties.

Petitioner seeks bail in S.Tr. No.131 of 2017 arising out
of Bairganja P.S.Case No.72 of 2011 registered for the offences
under Sections 341, 302, 120B, 34 of the I.P.C., Section 27 of
Arms Act and Sections 3,4 Explosive Substances Act.

Allegation against the petitioner is that he fired upon the
deceased causing his death.

Earlier prayer for bail of the petitioner was rejected
thrice, lastly vide order dated 20.12.2017 passed in Cr.Misc.
No.59871 of 2017 which will appear from Annexure-1 series to
this petition.

Submission of the learned counsel for the petitioner is
that he is in custody for 3 years and almost all the witnesses have



been examined except the informant and one witness and they have been declared hostile or hearsay. Further submission is that the informant has filed affidavit before the learned court below stating that in the melee he could not see as to who fired.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, and the petitioner is in custody for three years, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of A.D.J.-II, Sitamarhi, in S.Tr. No.131 of 2017 arising out of Bairstania P.S. Case No.72/11 subject to the conditions and (1) one of the bailors must be a local person having sufficient immovable property within the jurisdiction of the concerned court. (ii) the petitioner will not induce any witness or tamper with the evidence and the petitioner shall co-operate in the disposal of the trial and make himself available as and when required by the court, otherwise, his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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