

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3368 of 2020

Arising Out of PS. Case No.-65 Year-2018 Thana- GOPALGANJ TOWN District- Gopalganj

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GANESH CHAURASIYA @ GANESH CHAURASIA @ GANESH
CHAURISIA Son of Sakaldeo Bhagat Resident of Village-Sareya (Ward
No.3), P.O., P.S. and District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance

For the Petitioner : Mr. Sanjay Kumar Pandey no.5, Advocate

For the State : Mr. Ajay Kumar, APP

For the informant : Mr.Patanjali Rishi, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 27-05-2020 Heard learned counsel for the petitioner, learned A.P.P for
the State and learned counsel for the informant, through video
conferencing.

The petitioner has filed the instant application for grant of
regular bail in connection with Gopalganj Town P.S. Case no. 65
of 2018 registered for offence under sections 302, 120B and 34
of the Indian Penal Code.

As per allegation in the F.I.R., it is stated that on the date
of occurrence, the father of the informant proceeded for
morning walk with his friend Ajay Patel. At about 7 am the
informant received information that both his father and his
father's friend were lying dead on the road side. It is stated by
the informant that the murder has been committed by unknown



co-accused persons as a result of conspiracy.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against unknown. Further, from the contents of the order passed by this Court which has been brought on record as Annexure-4 to the petition, it would transpire that Nitu Devi wife of the deceased Ajay Patel gave a statement claiming to be an eye witness to the occurrence wherein she stated that on the orders of the petitioner, Dilip Chaurasiya gave hammer blow on the head of her husband and this petitioner caused injury to Birendra Yadav with hammer on his head. She states that she could not give information to the police due to nervousness. It is further submitted by learned counsel for the petitioner that the allegations as levelled are false and concocted. There are no eye witnesses to the occurrence. Death had taken place in a road accident. The petitioner has no criminal antecedent and is in custody since 24.10.2019. It is finally submitted that co-accused Babu Lal Sharma has been enlarged on anticipatory bail vide order dated 14.11.2019 (Annexure-4) passed in Cr. Misc. no.67303 of 2019.

The application for bail is opposed by learned A.P.P. for the State as also learned counsel for the informant who submits that as per *sanha* of Nitu Devi who happens to the wife of the



deceased and an eye witness to the occurrence, there is allegation of direct overt act against the petitioner.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances stated hereinabove including the fact that co-accused Babu Lal Sharma has been enlarged on anticipatory bail, the petitioner being in custody since 24.10. 2019 and having no criminal antecedent, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Gopalganj Town P.S. Case no. 65 of 2018 (G.R. No. 647 of 2018) on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj.

(Partha Sarthy, J)

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