

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19926 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- GHOSI District- Jehanabad

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AJEET KUMAR Son of Naresh Prasad Resident of Village - Chunukpur, P.s.-
Ghoshi, Distt.- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Sr. Adv. Mr.Jharkhandi Upadhyay, Adv.
For the State	:	Mr.Umesh Lal Verma, APP
For the Informant	:	Dr.Pramod Kumar, Adv. Mr.Arvind Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-08-2021 Heard the parties through virtual court proceedings.

The petitioner seeks bail in connection with Ghoshi P.S.
Case No.274 of 2020, registered for the offence punishable
under Sections 147, 148, 149, 341, 323, 325, 307, 379 IPC.

Allegation against the petitioner is that he along with
other accused persons took the informant to his house and
assaulted him with lathi, danda and rod and took away
Rs.11,000/- cash and a mobile.

It is submitted by learned Senior Counsel for the
petitioner that petitioner is quite innocent and has not committed
any offence as alleged in the FIR. No offence as alleged has
ever taken place. He has been falsely implicated in this case due



to gave pressure on the petitioner and others because a case was filed on the same day at about 9.20 P.M. by one Sulfi Devi. In fact the informant and others have fired upon the aunt of petitioner due to which she sustained five gunshot injury. There is case and counter case between the parties where both sides have got injury. There is no specific allegation against the petitioner rather the allegation is general and omnibus in nature. Both sides are agnates.

It is submitted by learned Senior Counsel for the petitioner that in para-3 of the bail application, it is mentioned that petitioner has three criminal antecedents but later on, by way of supplementary affidavit filed on 19.08.2021, he has brought on record that petitioner was earlier named in two more cases, as such petitioner has five criminal antecedents. Petitioner is languishing in custody since 30.11.2020.

Learned counsel for the Informant as well as learned APP for the State opposed the prayer for bail by submitting that petitioner has suppressed the fact that he has so many criminal antecedents. Furthermore, it is submitted that petitioner is the main assailant but the informant has not filed any counter in the present case.

Considering the facts and circumstances of this case,



since the petitioner has undergone custody of more than eight months, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad, in connection with Ghoshi P.S. Case No.274 of 2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the



investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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