

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19503 of 2021

Arising Out of PS. Case No.-343 Year-2020 Thana- PIPRAKOTHI District- East Champaran

Ganesh Sah @ Ganesh Kumar Jaiswal, Son Of Late Bhangi Sah @ Bhangi Prasad Jaiswal R/O Village- Madhu Chapra, P.S.- Piprakothi, Dist.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-10-2021 Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Learned counsel for the petitioner is permitted to make a correction as regards the date since when the petitioner is in incarceration, in paragraph '10' of the petition.

Petitioner, in the present case, is seeking regular bail in connection with Piprakothi P.S. Case No. 343 of 2020 registered for the offences punishable under Section 393, 412 of the Indian Penal Code . He is in custody since 14.10.2020 having three criminal antecedents as stated in paragraph '3' of the application in which he is on bail.

As per the prosecution story, the informant has alleged that on 08.10.2020 while he was on the way to his home on motorcycle, three persons came there and stopped him and



one person pointed pistol on his head and looted away the motorcycle, but on alarm raised by the informant villagers caught two persons, the apprehended persons disclosed their names as Ritesh Kumar and the petitioner namely Ganesh Sah, thereafter police reached there and arrested the accused persons.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that there is no recovery of any weapon from the possession of this petitioner and the co-accused Ritesh Kumar has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 19289/2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case in which this petitioner is said to have been caught by the villagers while fleeing away with the co-accused, but there is no recovery of any weapon from the possession of this petitioner and the co-accused Ritesh Kumar is said to have been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 19289/2021 directing his release after framing of charge, this court, having noticed that the petitioner is in custody for over one year but the trial is not likely to be concluded in near future,



is inclined to release him on bail treating him in the same manner like the co-accused and directs that he shall be released on bail after framing of charge on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Piprakothi P.S. Case No. 343 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Further condition that in view of his three criminal antecedents, as stated in paragraph '3', this Court directs that henceforth till conclusion of trial in the present case the petitioner shall keep on reporting at least once in two months to the Officer-in-Charge of Piprakothi Police Station in the district of East Champaran with his complete information and mobile number to be made available to the Station House Officer, and



in case he is required to go outside the jurisdiction of the police station in connection with his employment or any other work, he shall furnish his address and the mobile number and shall make his attendance as may be directed by the Station House Officer.

Failure to abide by this condition would be treated seriously and the Station House Officer, Piprakothi, East Champaran shall report it to the learned court below with a request to cancel the bail bond of the petitioner.

Let a copy of this order be communicated to the Superintendent of Police, East Champaran at Motihari for onward communication and direction.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

