

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25553 of 2021

Arising Out of PS. Case No.-135 Year-2020 Thana- GHOSWARI District- Patna

AWADHESH KUMAR, Son of Dashrath Saw, Resident of Village - Paijana,
Police station - Ghoswari, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Shaymeshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Ghoswari P.S. Case No. 135 of 2020 registered for the offence punishable under Sections 341, 323, 452, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 07.12.2020. The petitioner has otherwise no criminal antecedent.

As per the prosecution story, one Chhote Lal Gupta who happened to be the strange husband of the informant had fired upon father of the informant causing injury to him on his



leg. So far as this petitioner is concerned, he is said to be one of the persons who was allegedly accompanying Chhote Lal Gupta and his elder brother when they had gone to the place of the father-in-law of Chhote Lal Gupta.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner on mere suspicion that he is close to Chhote Lal Gupta. No overt act has been alleged against him.

Mr. Shyameshwar Dayal, learned A.P.P. for the State has after going through the allegations in the First Information Report informs this Court that so far as this petitioner is concerned, there is no allegation of commission of any overt act against him.

Having regard to the facts and circumstances of the case wherein there is no allegation of commission of overt act against this petitioner, he has remained in custody for over nine months and has got no criminal antecedent, this Court directs release of the petitioner above named on bail 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 Sri K.P. Arya, learned Judicial Magistrate 1st Class, Barh, Patna in connection with Ghoswari P.S. Case No. 135 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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

