

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24271 of 2021

Arising Out of PS. Case No.-13 Year-2019 Thana- BAKHTIYARPUR District- Patna

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GHOSHI RAI @ GHOSHI GOPE, Son of Ramashish Yadav, Resident of
Village - Kharuara, P.S.- Chero, District – Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rudal Singh, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 396 of the Indian Penal Code
and Sections 25(1-b)a, 26, 27, 35 of the Arms Act.

The allegation levelled against the petitioner is that he
alongwith other accused persons had stolen the buffalo from the
house of the informant and while they were taking the buffalo
alongwith them, they were stopped by the members of the
prosecution party, whereafter the accused, namely, Satyendra
Rai had fired gun shot on the father of the informant and then
the petitioner had fired gun shot on the cousin brother of the
informant. As far as the petitioner is concerned, he has been
alleged to have fired gun shot in the air while fleeing away.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that the allegation against the petitioner is that who fired upon the cousin brother of the informant but no injury has found. There is specific allegation against co-accused, namely, Satendra Rai who fired upon the father of the informant later he died.

Learned counsel for the petitioner further submits that the petitioner is languishing in judicial custody since 12.01.2019. The petitioner has got 13 criminal antecedents, which is mentioned in para 3 of the bail petition. Charge sheet has been submitted in this case and charge has also been framed against the petitioner. The similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 22.12.2020 passed in Cr. Misc. No.34983/2020.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with S.T. No. 969/2019 arising out of Bakhtiyarpur



P.S. Case No. 13/2019 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated 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 proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) that the petitioner will mark his attendance in



the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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