

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23401 of 2020

Arising Out of PS. Case No.-560 Year-2019 Thana- DANAPUR District- Patna

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RISHIKESH KUMAR @ GANPAT @ RISHIKESH @ RISHI Son of
Mukund Pandey @ Mukund Singh Resident of Village - Babura, P.S.-
Kiolwar, District - Bhojpur, At Present Tenant in the House of Lakshan Rai,
Saguna Gandhi Murti, Saguna, P.S.- Danapur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 30-11-2021 Let the defect(s), if any, as pointed out by the Office,

be removed within four weeks of start of normal functioning of

the physical Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks regular bail in connection with

Danapur P.S. Case No.560 of 2019 registered for the offence

under Sections 302, 384, 385, 386, 307, 120B and 379/34 of the

IPC and Section 27 of the Arms Act.

As per prosecution case, several persons were

carrying allegation of indiscriminate firing causing injury and

death.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case by the police under the collusion with the informant. He further submits that as per FIR, no direct allegation against the petitioner. He further submits that no Test Identification Parade has been performed till today in this case. He further submits that co-accused, namely, (1) Dipu Rai has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 4610 of 2021 vide order dated 24.09.2021, (2) co-accused, namely, Bindeshwar Rai @ Bindeshwar Prasad @ Ghantu Pahalwal has been granted anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 61804 of 2019 vide order dated, 08.01.2020, (3) co-accused, namely, Vidhan Rai has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 3118 of 2020 vide order dated 20.01.2020, (4) co-accused, namely, Manjay Rai @ Manjay Gope @ Manjay has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 80062 of 2019 vide order dated 17.03.2020, (5) co-accused, namely, Navin @ Nibhia @ Navin Sharma has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 81027 of 2019 vide order dated 27.05.2020 and (6) co-accused, namely, Pandey Gope @ Sanjay Ray @ Pandey Ray has been granted regular bail by a



Co-ordinate Bench of this Court passed in Cr. Misc. No. 19869 of 2020 vide order dated 02.07.2020. He further submits that petitioner is accused in other three criminal cases and he is in custody since 27.08.2019.

However, learned APP for the State on the basis of the case diary vehemently opposed the prayer for regular bail.

In the facts and circumstances of the case, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist at Danapur, District- Patna in connection with Danapur P.S. Case no. 560 of 2019 with following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(iv) 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.

(Rajesh Kumar Verma, J)

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