

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38820 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- GOH District- Aurangabad

RAM DAYAL MISTRY S/o Sri Mistry R/o village- Repura, P.S.- Daudnagar,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Goh P.S. Case No. 27 of 2020 registered for the offence under Sections 147, 148, 149, 341, 323, 379 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that 15-16 miscreants are said to have caught hold the informant and assaulted him and on protest being done by his brother, one of the accused fired upon him, resultantly, he died on the way to hospital.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. In fact, the petitioner has not been named in the F.I.R and merely on the basis of confessional statement of the co-accused, namely, Raju Singh, who is said to have been granted bail by a co-ordinate Bench of this Court vide order dated 22.03.2021 passed in Cr. Misc. No. 1987 of 2021, this petitioner has been apprehended in this case. Save and except the confessional statement of the co-accused, no cogent material has come during course of investigation against the petitioner. Neither anything incriminating has been recovered from the exclusive possession of the petitioner nor he has been put on T.I.P. till date. Moreover, the co-accused, namely, Vijay Paswan has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.06.2021 passed in Cr. Misc. No. 39825 of 2020. The petitioner, who is of clean antecedent, is rotting in judicial custody since 20.12.2020.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 S.D.J.M, Daudnagar, Aurangabad in connection with Goh P.S. Case No. 27 of 2020 with the following conditions:-



(1) 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 canceled by the Court below.

(2) 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.

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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