

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9687 of 2022

Arising Out of PS. Case No.-253 Year-2018 Thana- MAHUA District- Vaishali

=====

GANESH SINGH S/o Baidnath Singh Resident of Village - Madhopur, P.S. -
Mahua, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr.Adv.
	:	Mr.Bhaskar Shankar, Adv
For the Opposite Party/s :		Mr.Rajendra Nath Jha, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-06-2022 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.

This matter has been taken up for out of turn hearing on the basis of motion slip filed by learned counsel for the petitioner before the Motion Bench that the mother of the petitioner has died on 06.06.2022.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the



offence punishable under Sections 341, 323, 324, 504, 307 and 379/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation as per FIR is that while the informant was sitting at his Darwaza, Aditya Kumar @ Bittoo and Arvind Singh came at his Darwaza and took him to the Gayatri Chimani where the petitioner and other accused persons were sitting from before and the petitioner told that the person has come and thereafter Chandan asked to Bhupesh Singh to fire at him on that Bhupesh Singh fired causing injury at his abdomen and on hulla several persons assembled there and it is also alleged that they have snatched away chain of Rs.60,000/- and Rs.1,500/- in cash.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that the specific allegation of assault is against co-accused, namely, Bhupesh Singh and the petitioner is order-giver and the similarly situated co-accused, namely, Arvind Singh @ Arvind Kumar Singh has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order at Annexure-2 of the bail petition and another co-accused, namely,



Chandan Kumar Singh has been granted bail vide order dated 08.02.2022 in Cr. Misc. No.47144 of 2021 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 29.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, let the petitioner, above named, 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 Court below where the case is pending in connection with Mahua P.S. Case no. 253 of 2018, 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 cancelled 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.

(3) Before releasing the petitioner on bail, the learned



court below shall verify that whether the mother of the petitioner has died or not.

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)

Nitesh/-

U		T	
---	--	---	--

