

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31820 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- SARMERA District- Nalanda

GANESH KUMAR S/o Ramshlok Prasad Resident of Village- Krishna
Bigha, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Rajeev Nayan

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in a case registered for the
offences punishable under Sections 399, 402 of the Indian Penal
Code and sections 25(I-b)a, 26, 35 of the Arms Act.

As per allegation acting on a tip off, police reached at the
spot and seeing the police, miscreants started fleeing away, out of
them four miscreants have been apprehended.

The main submissions advanced by Sri Raj Kishore
Prasad, the learned counsel appearing for the petitioner are that
petitioner has been languishing in jail since 3.6.2021 and nothing has
been recovered from the possession of this petitioner.

Sri Rajeev Nayan, learned APP appearing for the State
has opposed the prayer for bail.



Heard both sides and perused the FIR as well as seizure list attached to the FIR. In the present case, petitioner and three co-accused persons were arrested at the spot and as per prosecution they had gathered there to commit dacoity. Though petitioner has criminal antecedent of six cases but as per FIR no incriminating article was recovered from his possession and he is stated to be member of the gang.

Considering these facts, mainly taking into account petitioner's custody period and the fact that no incriminating article was recovered from his possession, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the 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 the Chief Judicial Magistrate, Nalanda at Biharsharif in Sarmera P.S Case No. 111 of 2021 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his 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) One of the bailers shall be close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

s.hassan/-

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