

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45334 of 2021

Arising Out of PS. Case No.-219 Year-2020 Thana- BANMANKHI District- Purnia

Gangwa @ Gango @ Ganga Kumar @ Gango Kumar S/O Mohan Sahni R/O
Village-Banmankhi Chakla, P.S. Banmankhi, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh-1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Vikram Deo Singh, learned counsel for the petitioner and learned APP for the State.

At the outset learned counsel for the petitioner seeks permission to make necessary correction in paragraph no. 13 of the bail application.

Permission is accorded.

The petitioner seeks regular bail, who is in custody in connection with Banmankhi P.S. Case No. 219 of 2020 for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.



As per prosecution case, it is alleged that the elder brother of the informant had a quarrel with accused persons including the petitioner and all of them threatened to kill him. It is further alleged that thereafter his brother found missing and on search, in the afternoon of 31.08.2020 his dead body and three wheeler vehicle were found near Haldivair.

It is submitted by the learned counsel appearing on behalf of the petitioner that save and except the suspicion that one day prior to the alleged occurrence quarrel had taken place between the accused persons and the elder son of the informant and they had threatened. It is further submitted that there is no other incriminating material, which suggests the complicity of the petitioner. It is next submitted that there is no eye witness to the alleged occurrence nor it is the case of the prosecution that the deceased was lastly seen with the accused, inasmuch, as during the course of investigation none of the witnesses has specifically narrated about the complicity of the petitioner, except the suspicion. It is lastly submitted that this petitioner is in custody since 11.09.2020 having clean antecedent, though the investigation of the crime is already completed and the charge sheet has already been submitted in this case and he is ready to give undertaking that he will remain present on each and every



date of trial till disposal of the case.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation, witnesses have supported the prosecution case that before the occurrence petitioner and others had threatened the deceased with dire consequences and on the next day his dead body has been found.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that except the suspicion, there is no cogent material which suggests the involvement of the petitioner and moreover, he is in custody since 11.09.2020 and there is no likelihood of conclusion of the trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Purnea in connection with Banmankhi P.S. Case No. 219 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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