

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56194 of 2022

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

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Ganesh Singh @ Ganesh Kumar Singh S/O Baidnath Singh @ Baidyanath Singh Resident of Village- Madhopur, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-10-2022 Heard Mr. Krishna Pd. Singh learned senior counsel appearing on behalf of the petitioner, Mr. Ranjeet Kumar Thakur learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 307, 341, 323, 324, 504, 379/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, 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 for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. Earlier the bail petition of the petitioner was allowed on 14.06.2022 passed in Cr. Misc. No. 9687 of 2022 with one of the condition that the petitioner shall release on bail only after verification of the fact that whether the mother of the petitioner had died or not. After verification of the learned Court below it was revealed that the badi maa of the petitioner died on the same day and not the mother of the petitioner. Hence, the petitioner could not release on bail. Thereafter, petitioner filed a modification petition for correction in bail order which was dismissed as withdrawn on 17.08.2022 passed in Cr. Misc. No. 43085 of 2022. 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 only the order



giver and the similarly situated co-accused person namely Arvind singh @ Arvind Kumar Singh has been granted anticipatory bail by a Co-ordinate Bench of this Court and another co-accused namely, Chandan Kumar Singh has been granted bail vide order dated 08.02.2022 passed in Cr. Misc. No. 47144 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.12.2021.

The learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Mahua P.S. Case No. 253 of 2018, subject to 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 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. 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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