

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67840 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- DEHRI TOWN District- Rohtas

GANESH KUMAR GUPTA @ GANESH PRASAD GUPTA Son of Mathura Prasad Gupta Resident of Village - Trigun Dehri , Ward no.27, Lane No.2, P.s.- Dehri Town, Distt.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-05-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions Trial No. 157 of 2021 arising out of Dehri Town P.S. Case No. 108 of 2021 registered under Sections 302, 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner is in custody since 12.02.2021, is a person with clean antecedent and charge-sheet has been submitted in the case. Learned counsel further submits that informant alleges that his wife Mousmi Bosh (deceased) was shot at her neck by a pistol from behind in a street by a man on foot, who after firing fled while she was returning back her house with staff Pappu Kumar



Gupta after closing her medicine shop. It is further alleged that Pappu Kumar Gupta informed the informant about the occurrence and took his wife to Sadar Hospital where she was declared dead by the doctor, accordingly the informant based on suspicion instituted the present F.I.R. against eight named accused persons including the petitioner that they caught her wife to kill in conspiracy.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, informant is not an eye witness to the occurrence and merely on the basis of suspicion as alleged that the petitioner along with other accused persons in conspiracy got his wife killed. It is further submitted that the petitioner is also a businessman having a mobile repairing shop near the shop of the deceased and as such was known to Pappu Kumar Gupta the staff who was accompanying the deceased but he has not even raised any suspicion against the petitioner. The learned counsel further submits that it absolutely does not stand to reason that on what basis the informant despite not being an eye witness to the occurrence alleges that the petitioner in conspiracy with other accused got the deceased killed. It is further submitted that similarly situated co-accused Parmanand Saraogi has been



granted bail by order dated 22.03.2020 in Criminal Misc. No. 61436 of 2021, Benketesh Mishra has been granted bail by order dated 21.03.2022 in Criminal Misc. No. 61110 of 2021 and Ajay Kumar has been granted bail by order dated 23.03.2022 in Criminal Misc. No. 61819 of 2021.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 12.02.2021, is a person of clean antecedent, charge-sheet has been submitted and the entire allegation is around in suspicion and co-accused has been granted bail, let the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Tenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sessions Trial No. 157 of 2021 arising out of Dehri Town P.S. Case No. 108 of 2021.

(Satyavrat Verma, J)

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