

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64885 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- BALIYA District- Begusarai

Ghanshyam Kumar @ Ghanshyam Singh Son Of Dev Narayan Singh @
Devendra Singh R/O Vill.- Shadipur, Karari, P.S.- Ballia, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-12-2022 The learned counsel for the petitioner is directed
to remove all the defects pointed out by the Stamp Reporter
within one month.

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

Petitioner seeks regular bail in connection with Ballia P.S.
Case No. 363 of 2021 registered for the offences punishable
under Sections 399, 402, 411 and 413 of the Indian Penal Code
25 (1-B) (a), 26 and 35 of the Arms Act.

As per the prosecution, this petitioner and co-accused
persons assembled for making preparation to commit dacoity
and thereafter police party arrived at the place where said
accused persons assembled and arrested this petitioner and co-
accused persons and from the possession of this petitioner, a



loaded country made pistol was recovered.

The main submissions advanced by learned counsel Mr. Shubhesh Pandey, appearing for the petitioner are that the petitioner earlier preferred Cr. Misc. No. 9243 of 2022 for the relief of regular bail which was rejected by this Court vide order passed on 29.06.2022 but the petitioner was given a liberty to renew his bail prayer after the framing of charge and now he has again come before this Court for the relief of bail. Further submission is that upon the petitioner charge has been framed on 27.09.2022 and the petitioner has been languishing in jail since 05.11.2021 and till date no prosecution witness has been examined and all the co-accused persons are on bail vide orders passed by different Benches of this Court and the same have been filed as Annexure-3 series.

Learned APP Mr. Binod Kumar No. 3, appearing for the State has opposed the prayer for bail.

In view of above submissions and considering the facts that after the rejection of petitioner's earlier prayer for bail new circumstances have arisen in favour of the petitioner's prayer as firstly, the charge has been framed upon him as stated above and his trial is at initial stage and till date no prosecution witness has been examined as reflects from the order of learned



Court below and most of the witnesses who are to be examined are police officials and the second circumstance is that other co-accused persons are on bail so in the light of all these new circumstances as well as considering the petitioner's custody, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged 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 concerned Court in connection with Ballia P.S. Case No. 363 of 2021.

(Shailendra Singh, J.)

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