

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17900 of 2022

Arising Out of PS. Case No.-282 Year-2021 Thana- KHAGAUL District- Patna

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GANESH KUMAR @ MUKESH Son of Janardan Prasad Singh Resident of
Village - Asthawan, P.s.- Asthwan, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India through Secretary Defence New Delhi Govt. of India

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harsh Anuj
For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

10 23-03-2023 Heard learned counsel for the petitioner, learned
counsel for O.P. No. 2 and learned APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 3, 4 and 5 of the
Official Secrets Act.

As per allegation in the FIR, petitioner is a army
personal and he was in habit of sharing confidential and
governmental information relating to army unit to an ISI agent,
namely Riya and also shared information relating to Pune Army
Unit with one Preety through whatsapp by using his mobile no.
7091314011. He was arrested from Danapur Railway Station
and on interrogation made by the police, he admitted his guilt
and thereafter his mobile and bag were seized.



It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. For a hot altercation between the petitioner and the informant, he has been made accused in the present case. Save and Except oral disclosure made by the petitioner before the police, there is nothing against the petitioner. FIR itself is patently bad in law in view of section 13 of the Official Secret Act, 1923, which provide that when the contravention relates to a foreign power then a court can take cognizance only on the basis of complaint filed on order or authority of Dentrail Government. All the seizure list witnesses are police personal and they have not disclosed the name of the person who has supplied the information about the petitioner. Petitioner is languishing in judicial custody since 15.11.2021.

The application for bail is opposed by learned APP for the State as well as learned counsel for the O.P. No. 2 and submitted that petitioner has confessed his guilt during investigation. He has shared some protective and confidential information regarding his Army Unit to the ISI agent of Pakistan.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is



inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Danapur, Patna in connection with Khagaul P.S. Case No. 282 of 2021.

(Sunil Kumar Panwar, J)

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