

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23735 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- KHARHAGPUR District- Munger

Ganesh Kumar Besra Son of Let Jugal Besra R/V- Ubhi Banbarsha, PS-
Bariyarpur Distt- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Jyoti Ranjan Jha, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with S.T. No. 250/2022 arising out of Kharagpur P.S. Case No. 60 of 2022 registered on 09.02.2022 for the alleged offences under Sections 302, 201, 427, 120B and 34 of the Indian Penal Code.

3. As per prosecution case, the brother of the informant and one of his co-villagers went missing and later on, their dead-bodies were recovered from forest. The informant named four persons and others for entering into conspiracy and killing his brother and other persons. The name of the petitioner transpired during investigation as one of the accused persons involved in the present case.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR, but in course of the investigation his name transpired on the basis of statement of a witness, namely, Karelal Mandal who named this petitioner along with a large number of other co-accused persons who assaulted the deceased persons. But the petitioner has got no concern with the alleged occurrence and the statement of the witness is not believable that in the night he identified this petitioner and other co-accused persons. Two similarly placed co-accused persons have been granted bail by a Coordinate Bench vide order dated 21.04.2023 passed in Cr. Misc. No. 73722 of 2022 with Cr. Misc. No. 74095 of 2022. The petitioner is in custody since 20.05.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

5. Learned APP opposes the prayer for bail submitting that petitioner was named by an eye-witness who saw them while committing the murder.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication in the light of sketchy material and also taking into consideration the period of custody of the



petitioner and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Munger/court concerned in connection with S.T. No. 250/2022 arising out of Kharagpur P.S. Case No. 60 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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