

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37936 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- DUMRA District- Sitamarhi

=====

GANESHI SAH @ GANESH MAHTO SON OF BHUBANESHWAR SHAH
R/O VILLAGE- PARARI WARD NO.-12, P.S.- PUNAURA, DISTRICT-
SITAMADHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Dumrah P.S. Case No. 71 of 2022 registered for the offences

punishable under Sections 302 and 34 of the Indian Penal Code .

As per prosecution case, it is alleged that petitioner

and others concertedly committed the murder of informant's son

by sharp weapon.

Learned counsel for the petitioner submits that

petitioner is in custody since 15.02.2022 and bears criminal

antecedent of two cases in which he is on bail. Charge sheet has



been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no eye witness to the alleged occurrence. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is quite innocent and falsely implicated in the case as there was land dispute between informant's son and petitioner. He further submits that co-accused Jawahar Rai has been granted anticipatory bail vide Cr.Misc. No. 52996 of 2022 and co-accused Hiralal Rai and Manager Rai have also been granted bail vide Cr. Misc. No. 43427 of 2022 and Cr. Misc. No. 40034 of 2022 respectively by co-ordinate bench of this court and on the principle of parity the present petitioner also deserves bail.

The learned A.P.P. for the State and learned counsel for the informant vehemently oppose the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail by co-ordinate Bench of this court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of



both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Sitamadhi in connection with Dumrah P.S. Case No. 71 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

