

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41253 of 2022

Arising Out of PS. Case No.-286 Year-2021 Thana- BIHTA District- Patna

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Golu @ Vishal @ Vishal Kumar Son of Ranjan Mishra R/o Goraiya Sthan
Jinpura Road, P.S.- Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Patanjali Rishi, Advocate
		Ms. Perna Rishi, Advocate
For the Opposite Party/s :		Md. Mushtaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2023 Heard Ms. Perna Rishi, learned counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 188, 332, 333, 353, 307 and
411 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, in brief, is that on
06.04.2021, the informant was the then S.H.O. of Bihta police
station, Patna, received a message and to verify the same he
alongwith other police officials reached near Dava Mahal and
asked both the Home-guard Janak Thakur and Pathlu Sahni



about the occurrence at which they told him that on 06.04.2021, they both were on their duty near Dava Mahal and suddenly a person aged about 20-25 years came there wearing blue coloured half pant and black banyani and after injuring Janak Thakur by a country made pistol snatched his Rifle along with five cartridges. It is further alleged that the accused also assaulted Janak Thakur and managed to escape after snatching the Rifle and when the home-guard tried to chase the accused then the accused fired a shot from the Rifle of the home-guard in which a local person was injured and in the meantime one live cartridge and a country made pistol of the accused fell down on the ground in scuffle which was seized by the police and the injured guards were sent for their treatment. It is further alleged that after checking the CCTV footage the local people identified the accused as Golu @ Vishal, son of Ranjan Mishra, who had previously gone to jail also in some other case.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of CCTV footage. She further submits that the allegation as alleged in the F.I.R. is false and fabricated.

Vide order dated 17.11.2022 a report was called for



with regard to the present stage of trial. Report dated 21.11.2022 reveals that the charge has been framed against the petitioner on 12.09.2022 and the case is pending for the prosecution evidence and as yet no prosecution evidence has turned up.

Learned counsel for the petitioner further submits that in view of the report that the trial is not likely to be concluded in near future. The petitioner is in custody since 02.06.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released 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 learned Court below where the case is pending in connection with S.Tr. No. 718 of 2022, arising out of Bihta P.S. Case No. 286 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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