

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50537 of 2023

Arising Out of PS. Case No.-186 Year-2020 Thana- SAKRA District- Muzaffarpur

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GANESH RAI SON OF LATE RAMSAGAR RAI RESIDENT OF
VILLAGE- RAGHUNATHPUR DONMA, PS- SAKRA, DISTT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 19.05.2023 seeks
bail, in connection with Sakra P.S. Case No.186/2020, dated
20.05.2020, for the offences punishable under Sections 147,
148, 149, 341, 323, 307, 302 of the Indian Penal Code.

3. According to prosecution case, 15 named accused
persons and 10 unknown persons including the petitioner are
alleged to have killed the brother in law of the informant's
brother.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from



perusal of the F.I.R., it appears that there is general and omnibus allegation against all the accused persons including the petitioner and there is no accusation of any assault or overt act attributed against the petitioner. He further submits that co-accused, namely, Raj Kumar Rai has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 03.01.2023 passed in Cr. Misc. No. 67384/2021, another co-accused namely, Rupesh Kumar has been granted bail vide order dated 14.09.2021 passed in Cr. Misc. No.14902/2021 and number of other co-accused persons have been granted bail by different co-ordinate Bench of this Court. He further submits that the petitioner is in custody since 19.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 12th Additional Chief Judicial Magistrate, Muzaffarpur (East) in connection with Sakra P.S. Case No.186/2020, 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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