

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56057 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- GORAUL District- Vaishali

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GANESH PASWAN son of Lachchhu Paswan village- Salempur Dumariya
Ps- Goreaul Kathara OP Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Goraul (Kathara O.P.) P.S. Case No. 73 of 2023 registered under Sections 147, 148, 149 341, 342, 323, 324, 307, 332, 333, 353, 188, 337, 338, 427, 504 and 506 of the Indian Penal Code lodged on 24.02.2023 by the informant, Jay Prakash.

As per the prosecution story, the informant has alleged that the accused persons are violating section 144 of the Cr.P.C. went to the spot where they resorted to brick batting causing injury to one of the constable. Accordingly, the FIR.

It is the case of the petitioner that police was there and acting partially in favour of one Amardeo Rai, Ex-Mukhiya for which the wife of the petitioner had already sent the written



complaint to the DGP, Bihar and S.P., Vaishali and omnibus allegation is there against the accused persons and further eight similar placed co-accused persons were granted anticipatory bail in Cr. Misc. No. 38927 of 2023 by a co-ordinate Bench of this Court vide order dated 28.07.2023, (Annexure-4 to the petition).

Learned APP for the State opposes the prayer for bail.

Taking into account the fact that there is omnibus allegation against the accused persons, most of them granted anticipatory bail, as stated above, he has remained in custody since 19.06.2023 (as stated in paragraph-19 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 73 of 2023, subject to the following conditions:

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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