

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63621 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- DIGHALBANK District- Kishanganj

1. Ram Shakti Ganesh, son of Krishna Kumar Singh @ Krishna Prasad Ganesh
Village- Nayan Bhatta Ps- Dighal Bank Dist- Kishanganj
2. Dev Shakti Ganesh, Son of Krishna Kumar Singh @ Krishna Prasad Ganesh
Village- Nayan Bhatta Ps- Dighal Bank Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar, Advocate Ms. Sopriya Kumari, Advocate
For the State	:	Mr.Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Raj Kumar, Advocate Mr. Sarvottam Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Dighal Bank P.S. Case No. 21/2023, lodged on 29.01.2023
under Sections 341, 323, 325, 307, of the Indian Penal Code.

3. As per the prosecution case, the present FIR has
been lodged against 7 named accused persons including the
petitioners alleging therein that all the accused persons variously
armed with surrounded the brother of the informant and started
assaulting him. When the uncle of the informant, namely, Badru
Lala Ganesh came to rescue him, petitioner no.2, namely, Dev



Shakti Ganesh and co-accused, Krishna Prasad Ganesh assaulted on the head of the informant with an iron rod whereas petitioner no.1, Ram Shakti Ganesh alleged to have assaulted with a bamboo stick, due to which the informant got injured. Subsequently, the uncle of the informant succumbed to the injuries.

4. Learned counsel for the petitioners submits that the petitioner is innocent and has committed no offence. The antecedent of petitioner No.2 is clean whereas petitioner no.1 is accused in one more criminal case, but in this case, he has been granted bail. The petitioners are in custody since 20.07.2023. Moreover, the chargesheet has already been submitted. He further submits that similarly situated co-accused have been granted bail by this Court vide order dated 05.06.2023, passed in Criminal Miscellaneous No. 21428/2023.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the accusation against the two accused persons who have been granted bail, is omnibus and general whereas the allegation against the petitioners is specific.

6. In the present facts and circumstances of this case and the submissions made above, let petitioner no.1, Ram Shakti



Ganesh, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional CJM-1, Kishangaj in connection with Dighal Bank P.S. Case No. 21/2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

7. So far as petitioner no.2, namely, Dev Shakti Ganesh, is concerned, considering the specific allegation of assault with an iron rod against him, this Court is not inclined to grant him bail. Accordingly, the prayer for bail of petitioner No.2, namely, Dev Shakti Ganesh, in connection with Dighal Bank P.S. Case No. 21/2023, pending before the learned Additional CJM-1, Kishangaj is rejected.

(Dr. Anshuman, J)

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